Message

From: API Press [press@api.org]
Sent: 6/27/2018 6:31:41 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: [SPAM-Sender] NEWS: API welcomes EPA action to promote energy infrastructure, American jobs

NEWS

energy API | POWER PAST IMPOSSIBLE.ORG

FOR IMMEDIATE RELEASE

202.682.8114 | press@api.org

API welcomes EPA action to promote energy infrastructure, American jobs

June 27, 2018 – API welcomed today's action by the U.S. Environmental Protection Agency (EPA) to increase certainty in the permitting process surrounding energy infrastructure projects – including pipelines – by seeking to clarify that Clean Water Act (CWA) dredge and fill permit application decisions may only be determined once an applicant has applied and the agency can thoroughly review.

"Today's decision to promote certainty in the pipeline permitting process is great news for American consumers and American jobs across the country," said API Senior Director of Federal Affairs Khary Cauthen. "Pipelines are critical to delivering the energy that Americans need and demand every day. With increased certainty in the pipeline permitting process, we will be better able to help ensure that there is the energy infrastructure in place to meet our nation's growing energy needs while protecting the environment and communities.

"Private investment in our nation's energy infrastructure – including pipelines – is a $1.3 trillion proposition that could support 1 million jobs per year through 2035. Today's announcement is welcome news and we look forward to our continued work with the administration to ensure that American consumers, American workers and the environment can continue benefitting from America's energy resources."

API is the only national trade association representing all facets of the oil and natural gas industry, which supports 10.3 million U.S. jobs and nearly 8 percent of the U.S. economy. API's nearly 620 members include large integrated companies, as well as exploration and production, refining, marketing, pipeline, and marine businesses, and service and supply firms. They provide most of the nation's energy and are backed by a growing grassroots movement of more than 45 million Americans.

###

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American Petroleum Institute Inc, 1220 L St NW, Washington, DC 20005 United States

Message

From: Broome, Shannon S. [SBroome@hunton.com]
Sent: 6/18/2018 4:10:46 AM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: Recommendation letter for Chad McIntosh
Attachments: 2018-06-18 McIntosh Recommendation Letter Senate EPW-c.pdf

Messrs. Palich and Frye,

Attached is a recommendation letter for Chad McIntosh in advance of his confirmation hearing, which I understand is scheduled for this week. I will put this in the mail but it may not arrive in time so wanted to be sure you have it. Please confirm that you received this email and let me know if you have any questions. It is truly my honor to be able to recommend Chad for this position, and I do so wholeheartedly and without reservation based on years of working with him.

If there is any issue with the transmittal, please reach me on my cell Monday and Tuesday. I am flying on Monday and land about 3 Eastern.

Best Regards,

HUNTON ANDREWS KURTH

Shannon S. Broome
Partner/Office Managing Partner San Francisco
sbroome@HuntonAK.com
p 415.975.3718
Ex. 6
m Ex. 6

bio | vCard |

Hunton Andrews Kurth LLP
50 California Street
Suite 1700
San Francisco, CA 94111

2200 Pennsylvania Avenue, NW
10th Floor
Washington, DC 20007
HuntonAK.com

This communication is confidential and is intended to be privileged pursuant to applicable law. If the reader of this message is not the intended recipient, please advise by return email immediately and then delete this message and all copies and backups thereof.

HUNTON
ANDREWS KURTH

HUNTON ANDREWS KURTH LLP
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SAN FRANCISCO, CA 94105
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2200 PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C. 20037-1701
TEL 202 • 955 • 1500

SHANNON S. BROOME
DIRECT DIAL: 415 • 975 • 3718/202 • 955 • 1912
EMAIL: sbroome@HuntonAK.com

June 18, 2018

The Honorable John A. Barrasso, M.D.
Chairman
U.S. Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Tom Carper
Ranking Member
U.S. Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper:

As the Executive Director of the Air Permitting Forum, I write to express my strong support for the nomination of William ("Chad") McIntosh for the position of Assistant Administrator for the Office of International and Tribal Affairs at the U.S. Environmental Protection Agency (EPA). The Air Permitting Forum is a trade association comprised of Fortune 100 companies that focuses on Clean Air Act implementation and advocacy.

Mr. McIntosh is highly qualified for this position, given his longstanding government service and service in the private sector in support of environmental compliance and continuous improvement. Having worked with Chad as a member of the Air Permitting Forum where he represented Ford Motor Company for many years, I can say with confidence that he has the degree of commitment, integrity, diplomacy, and knowledge of environmental law to be a great success in this position. His collaborative demeanor and problem solving skills will be a tremendous asset to the EPA.

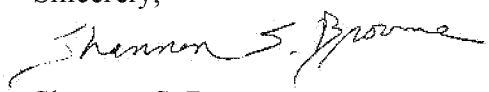
Chad has longstanding experience in numerous federal and state environmental programs, which is particularly helpful for this position at EPA since the assistant administrator will work across the agency's programs and regions to develop and implement policy and programs in service of U.S. public health and the environment. In Michigan, Chad served as then-Governor Engler's Environmental and Natural Resources Policy Advisor and also as the Deputy Director of the Michigan Department of Environmental Quality (DEQ), addressing all of DEQ's regulatory programs. At Ford, Chad had significant compliance responsibilities for nearly 20 years, providing him needed perspective as to how regulations are implemented in practice. Chad has a strong work ethic and understands the importance of meeting regulatory commitments and deadlines. As Tribal governments work to administer their regulatory

programs and look to EPA for support and guidance, Chad is an ideal leader to ensure that these needs are met.

Chad also shares two key characteristics with me—being a chemical engineer and a lawyer. As an engineer and a lawyer, I wholeheartedly support bringing into the agency as many people as possible who have both a scientific and legal background. His ability to understand the issues presented by the scientific community within EPA and by outside stakeholders and marry that perspective with the legal advice he will receive from the agency's lawyers will be a significant benefit to ensuring his success in this role.

In sum, Chad McIntosh is an excellent choice for Assistant Administrator for the EPA's Office of International and Tribal Affairs, and I strongly support his confirmation by the Senate. Please do not hesitate to call me with any questions at 415-818-2275 or to email me at sbroome@HuntonAK.com.

Sincerely,



Shannon S. Broome

Executive Director, Air Permitting Forum
Hunton Andrews Kurth LLP
San Francisco Office Managing Partner &
California Environmental Practice Leader

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 4/12/2018 9:50:49 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: Re: Congrats!!

Thank you for your help my friend.

Sent from my iPhone

On Apr 12, 2018, at 4:30 PM, Palich, Christian <palich.christian@epa.gov> wrote:

> Congratulations officially Andrew, it has been a honor to get to work with you through this process.
>
> Celebrate this evening! So excited to have you at EPA.
>
> Have a great weekend,
>
> Christian R. Palich
> *Deputy Associate Administrator*
> *Office of Congressional & Intergovernmental Affairs*
> *U.S Environmental Protection Agency*
> *O: 202.564.4944*
> *C:* Ex. 6
> *E: Palich.Christian@epa.gov*

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 4/12/2018 9:49:44 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: Re: Congratulations

Troy, thank you and a big thank you to your team. I always felt prepared and ready whether it was the hearing or the meetings. Your team always came through for me.

Sent from my iPhone

On Apr 12, 2018, at 4:30 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

> Congratulations, Mr. Deputy Administrator.
>
> Great work Christian and Tony!!!
>
> _____
> **Troy M. Lyons**
> Associate Administrator
> Office of Congressional & Intergovernmental Relations
> U.S. Environmental Protection Agency
> Ex. 6 cell)

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 4/11/2018 8:40:06 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]
Subject: RE: Andrew Wheeler photo?

Thanks

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Wednesday, April 11, 2018 4:38 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>
Subject: RE: Andrew Wheeler photo?

Here's the pic I prefer.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Bowman, Liz [mailto:Bowman.Liz@epa.gov]
Sent: Wednesday, April 11, 2018 4:21 PM
To: Wheeler, Andrew R.
Cc: Lyons, Troy; Palich, Christian; Ringel, Aaron
Subject: FW: Andrew Wheeler photo?

Hi Andrew – Do you have a photo you want us to send to the AP? We don't have one yet, so if you don't want them to pull one from somewhere random, it might be good if you have one to provide. Let us know thanks – Liz

---

From: Biesecker, Michael [mailto:MBiesecker@ap.org]
Sent: Wednesday, April 11, 2018 4:13 PM
To: Press <Press@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Andrew Wheeler photo?

Our understanding is that Andrew Wheeler is likely to be confirmed as deputy EPA administrator tomorrow. Does the agency have a hand-out photo of him to provide?

Thanks,

Michael

Michael Biesecker
Investigative Reporter
mbiesecker@ap.org
Twitter: @mbieseck
Public Key

ASSOCIATED PRESS

1100 13 St. NW, Suite 700
Washington, D.C. 20005-4076

T 202-641-9445
M Ex. 6

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"There are only two forces that can carry light to all corners of the globe – the sun in the heavens and The Associated Press down here." – Mark Twain, 1906

"I go with Custer and will be at the death." – AP reporter Mark Kellogg's final dispatch from the Battle of the Little Bighorn, 1876

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Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 4/11/2018 5:05:33 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: Senator Carper Conversation with Andrew Wheeler

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Wheeler, Andrew R.
Sent: Wednesday, April 11, 2018 11:38 AM
To: 'Lyons, Troy'
Cc: Jackson, Ryan; Palich, Christian
Subject: RE: Senator Carper Conversation with Andrew Wheeler
Importance: High

I just talked to mary Frances, carper is going to call be on his way to vote around 12:15. She is also sending me the letter.

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Wednesday, April 11, 2018 10:53 AM
To: Wheeler, Andrew R.
Cc: Jackson, Ryan; Palich, Christian
Subject: Fwd: Senator Carper Conversation with Andrew Wheeler

FYI.

Andrew, ok to give him your cell? Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Sent from my iPhone

Begin forwarded message:

From: "Repko, Mary Frances (EPW)" <mary_frances_repko@epw.senate.gov>
Date: April 11, 2018 at 10:49:04 AM EDT
To: "'Lyons, Troy'" <lyons.troy@epa.gov>
Subject: RE: Senator Carper Conversation with Andrew Wheeler

I do. The Senator is a dog with a bone about the letter – it is what he wants. He wants to share a copy of the letter with Andrew and ask him if he is confirmed if he will work to get the letter completed. Alternatively, he wants to ask if he were confirmed and became Acting Administrator, if he'd sign it.

These are things that Andrew may not be able to do given the circumstances, but I needed to let you know, and I wanted to make sure he had that context.

I think the Senator is troubled that the letter which would have led to one fewer vote and a time agreement wasn't forthcoming, and that the debate on Andrew's nomination will be very hot and loaded with commentary about the current Administrator.

From: Lyons, Troy <lyons.troy@epa.gov>
Sent: Wednesday, April 11, 2018 10:44 AM
To: Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov>
Subject: Re: Senator Carper Conversation with Andrew Wheeler

Apologies I was confused and thought you meant Bill Wehrum.

Do you know what he wants to speak to Andrew about?

Sent from my iPhone

On Apr 11, 2018, at 10:41 AM, Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov> wrote:

> Gotcha. Ok. I left a vm for Andrew to call me on my cell.
>
> ---
>
> **From:** Lyons, Troy <lyons.troy@epa.gov>
> **Sent:** Wednesday, April 11, 2018 10:40 AM
> **To:** Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov>
> **Subject:** Re: Senator Carper Conversation with Andrew Wheeler
>
> Yes. Will track down asap. Sorry for the missed calls. **Personal Matters / Ex. 6**
>
> Sent from my iPhone
>
> On Apr 11, 2018, at 10:22 AM, Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov> wrote:
>
>> I don't have Andrew's number for that, can you advise?
>>
>> ---
>>
>> **From:** Lyons, Troy <lyons.troy@epa.gov>
>> **Sent:** Wednesday, April 11, 2018 10:20 AM
>> **To:** Repko, Mary Frances (EPW)

<mary_frances_repko@epw.senate.gov>
Subject: Re: Senator Carper Conversation with Andrew Wheeler

I gave him a heads up that Senator Carper would likely be calling so he is expecting a call

Sent from my iPhone

On Apr 11, 2018, at 10:04 AM, Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov> wrote:

> Troy,
>
> Senator Carper would like to speak with Andrew Wheeler today, this morning if possible, and it is very time sensitive. Please advise, and it may be useful if I spoke to you and Andrew beforehand.
>
> Thanks,
> Mary Frances
>
> Mary Frances Repko
> Democratic Staff Director
> U.S. Senate Committee on Environment and Public Works

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 4/11/2018 3:37:37 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: Senator Carper Conversation with Andrew Wheeler

Importance: High

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Deliberative Process / Ex. 5

Andrew R. Wheeler
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andrew.wheeler@FaegreBD.com Download vCard
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Wednesday, April 11, 2018 10:53 AM
To: Wheeler, Andrew R.
Cc: Jackson, Ryan; Palich, Christian
Subject: Fwd: Senator Carper Conversation with Andrew Wheeler

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Andrew, ok to give him your cell? **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

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> **From:** "Repko, Mary Frances (EPW)" <mary_frances_repko@epw.senate.gov>
> **Date:** April 11, 2018 at 10:49:04 AM EDT
> **To:** "'Lyons, Troy'" <lyons.troy@epa.gov>
> **Subject: RE: Senator Carper Conversation with Andrew Wheeler**
>
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Subject: Re: Senator Carper Conversation with Andrew Wheeler

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Sent from my iPhone

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>
> **From:** Lyons, Troy <lyons.troy@epa.gov>
> **Sent:** Wednesday, April 11, 2018 10:40 AM
> **To:** Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov>
> **Subject:** Re: Senator Carper Conversation with Andrew Wheeler
>
> Yes. Will track down asap. Sorry for the missed calls. **Ex. 6**
>
> Sent from my iPhone
>
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>> I don't have Andrew's number for that, can you advise?
>>
>> ---
>>
>> **From:** Lyons, Troy <lyons.troy@epa.gov>
>> **Sent:** Wednesday, April 11, 2018 10:20 AM
>> **To:** Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov>
>> **Subject:** Re: Senator Carper Conversation with Andrew Wheeler
>>
>> I gave him a heads up that Senator Carper would likely be calling so he is expecting a call
>>
>> Sent from my iPhone
>>
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>>
>>> Troy,
>>>
>>> Senator Carper would like to speak with Andrew Wheeler today, this morning if possible, and it is very

time sensitive. Please advise, and it may be useful if I spoke to you and Andrew beforehand.

Thanks,
Mary Frances

Mary Frances Repko
Democratic Staff Director
U.S. Senate Committee on Environment and Public Works

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 2/7/2018 3:00:55 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Andrew.Wheeler@FaegreBD.com
Subject: RE: Wheeler Clears EPW

Awesome; let's get him here!

From: Palich, Christian
Sent: Wednesday, February 7, 2018 9:59 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Andrew.Wheeler@FaegreBD.com
Subject: Wheeler Clears EPW

Hi All,

I wanted to let everyone know Andrew Wheeler was just cleared through EPW by party line vote. We will now begin the effort to get him floor time for the full senate vote ASAP.

Have a great day,

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 1/23/2018 11:21:40 AM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: Re: Wheeler

Happy to help.

Sent from my iPhone

On Jan 23, 2018, at 12:55 AM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Deliberative Process / Ex. 5

Sent from my iPhone

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 2/6/2018 10:03:04 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: RE: Andrew Wheeler Nomination Talking Points Document

I think it looks good. Thanks team.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Tuesday, February 06, 2018 1:48 PM
To: Wheeler, Andrew R.
Cc: Frye, Tony (Robert); Lyons, Troy; Shimmin, Kaitlyn
Subject: Andrew Wheeler Nomination Talking Points Document

Hi Andrew,

Deliberative Process / Ex. 5

Have a great day,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 4/9/2018 8:35:29 PM
To: Wheeler, Andrew R. (andrew.wheeler@faegrebd.com) [andrew.wheeler@faegrebd.com]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]
Subject: FW: Request for comment re: Andrew Wheeler's work at FaegreBD

FYI

From: Bixby, Scott [mailto:Scott.Bixby@thedailybeast.com]
Sent: Monday, April 9, 2018 4:33 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Re: Request for comment re: Andrew Wheeler's work at FaegreBD

Thanks so much for your quick response, Liz!

From: Bowman, Liz <Bowman.Liz@epa.gov>
Sent: Monday, April 9, 2018 4:32:09 PM
To: Bixby, Scott
Subject: RE: Request for comment re: Andrew Wheeler's work at FaegreBD

Hi Scott – Thank you for the ability to comment. Andrew Wheeler will bring extraordinary credentials to EPA that will greatly assist the Agency as we work to implement the president's agenda. Andrew Wheeler has not lobbied EPA, nor any new EPA issues since President Trump was elected, and deregistered as lobbyist in August 2017. Mr. Wheeler consults with EPA career ethics officials, and will ensure that he is recuses himself from any potential conflicts. Thank you – Liz

Additional background:
Mr. Wheeler has spent his entire career working in environmental policy. In addition to spending four years at EPA's Office of Pollution Prevention and Toxics during the George H. W. Bush and Bill Clinton administrations, he also spent many years on Capitol Hill. After serving as general counsel to U.S. Senator James Inhofe, he worked as staff director and chief counsel for two Senate Committees with vital roles in protecting human health and the environment: the U.S. Senate Committee on Environment and Public Works (EPW) and the U.S. Senate Subcommittee for Clean Air Wetlands and Nuclear Safety. Mr. Wheeler currently works as a principal at FaegreBD Consulting providing guidance on federal regulatory and legislative environmental and energy issues.

From: Bixby, Scott [mailto:Scott.Bixby@thedailybeast.com]
Sent: Monday, April 9, 2018 4:07 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Request for comment re: Andrew Wheeler's work at FaegreBD

Hi Liz –

Hope all is well! We're working on a story related to Andrew Wheeler's potential confirmation as deputy administrator of the EPA, specifically relating to his lobbying work on behalf of energy companies while at Faegre Baker Daniels. As a former lobbyist whose lobbying work for Murray Energy alone ran into the millions, how does Mr. Wheeler — and the EPA — plan to ensure that his past work wouldn't color his role as deputy administrator?

Thanks so much in advance for your help and time!

Scott Bixby

Weekend Editor

The Daily Beast

Message

From: Mack, Bryan (Carper) [Bryan_Mack@carper.senate.gov]
Sent: 1/22/2018 7:29:57 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Soviak, Sarah (Carper) [Sarah_Soviak@carper.senate.gov]
Subject: RE: Meeting with Ranking Member Carper

We're confirmed on our end. Thanks!

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Monday, January 22, 2018 2:28 PM
To: Mack, Bryan (Carper) <Bryan_Mack@carper.senate.gov>
Cc: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>; Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>; Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Soviak, Sarah (Carper) <Sarah_Soviak@carper.senate.gov>
Subject: Re: Meeting with Ranking Member Carper

Apologies-to clarify 10:45-11:15

Sent from my iPhone

On Jan 22, 2018, at 2:13 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

> Bryan-could we lock in 1045-11 on W?
>
> Sent from my iPhone
>
> On Jan 22, 2018, at 1:53 PM, Mack, Bryan (Carper) <Bryan_Mack@carper.senate.gov> wrote:
>
> > Would a time in the 10:00-11:15am window on Wednesday morning work on your end for a 30 minute meeting in Senator Carper's office in 513 Hart?
> >
> > Thanks,
> > Bryan
> >
> > **Bryan Mack**
> > Director of Scheduling
> > Office of Senator Thomas R. Carper
> > 513 Hart Senate Office Building
> > 202-224-2441
> >
> > ---
> >
> > **From:** Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
> > **Sent:** Monday, January 22, 2018 10:29 AM

To: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Soviak, Sarah (Carper) <Sarah_Soviak@carper.senate.gov>; Mack, Bryan (Carper) <Bryan_Mack@carper.senate.gov>
Subject: RE: Meeting with Ranking Member Carper

I have not read the Murray Action Plan and I do not intend to. I am happy to discuss again the circumstances from a year ago when I glanced at it.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Freedhoff, Michal (EPW) [mailto:Michal_Freedhoff@epw.senate.gov]
Sent: Monday, January 22, 2018 10:20 AM
To: Wheeler, Andrew R.; Lyons, Troy
Cc: Palich, Christian; Frye, Tony (Robert); Shimmin, Kaitlyn; Soviak, Sarah (Carper); Mack, Bryan (Carper)
Subject: RE: Meeting with Ranking Member Carper

Thanks

I'm looping our scheduling team so they can figure out the best time.

We'd like to talk further about the Murray Action Plan, perhaps with a more specific focus on the endangerment finding/climate science bullet and some of the other EPA recommendations on the list that have not yet been taken.

Michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight
Committee on Environment and Public Works Democratic Staff

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, January 19, 2018 5:49 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>; Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: Re: Meeting with Ranking Member Carper

I have other times available but I'm free all day Tuesday and Wednesday morning.

Sent from my iPhone

On Jan 19, 2018, at 5:45 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Andrew—Ranking Member Carper would like a follow up meet with you next week. Do you have availability to meet?

Michal—in preparation for the meeting, do you have the list of topics Senator Carper would like to discuss?

_____

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 (cell)

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 1/10/2018 4:16:18 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: RE: Committee Letter
Attachments: CommitteeLetter1-10-18.docx

Attached, thanks.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Wednesday, January 10, 2018 11:10 AM
To: Wheeler, Andrew R.
Cc: Lyons, Troy; Frye, Tony (Robert)
Subject: RE: Committee Letter

Hi Andrew,

I may of missed it, but can you send this letter over with the date being 1/10? Thanks! Once received we will get it sent to committee asap.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: andrew wheeler [mailto Ex. 6
Sent: Thursday, January 4, 2018 12:30 PM
To: Palich, Christian <palich.christian@epa.gov>; andrew wheeler <andrew.wheeler@faegrebd.com>
Subject: Re: Committee Letter

attached is updated letter with tomorrows date.

On Thu, Jan 4, 2018 at 11:50 AM, andrew wheeler < Ex. 6 wrote:

> Christian, let me know if this needs to be changed.

January 10, 2018

Chairman John Barrasso
Senate Environment and Public Works Committee
Senate Dirksen Building Room 410
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper,

I certify that the information contained in my Committee Questionnaire is and remains, to the best of my knowledge, true and accurate.

During the period since the filing date of my financial disclosure report through the date of this letter, I have received no reportable outside earned income or honoraria from sources other than those identified in my financial disclosure report.

Thank you and the Committee for your consideration of my nomination.

Sincerely,

Andrew Wheeler

Message

From: Mack, Bryan (Carper) [Bryan_Mack@carper.senate.gov]
Sent: 1/22/2018 7:25:41 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Soviak, Sarah (Carper) [Sarah_Soviak@carper.senate.gov]
Subject: RE: Meeting with Ranking Member Carper

Yes, we're confirmed for 10:45am on Wednesday in 513 Hart. Thanks!

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Monday, January 22, 2018 2:13 PM
To: Mack, Bryan (Carper) <Bryan_Mack@carper.senate.gov>
Cc: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>; Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>; Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Soviak, Sarah (Carper) <Sarah_Soviak@carper.senate.gov>
Subject: Re: Meeting with Ranking Member Carper

Bryan-could we lock in 1045-11 on W?

Sent from my iPhone

On Jan 22, 2018, at 1:53 PM, Mack, Bryan (Carper) <Bryan_Mack@carper.senate.gov> wrote:

> Would a time in the 10:00-11:15am window on Wednesday morning work on your end for a 30 minute meeting in Senator Carper's office in 513 Hart?
>
> Thanks,
> Bryan
>
> **Bryan Mack**
> Director of Scheduling
> Office of Senator Thomas R. Carper
> 513 Hart Senate Office Building
> 202-224-2441
>
> ---
>
> **From:** Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
> **Sent:** Monday, January 22, 2018 10:29 AM
> **To:** Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>; Lyons, Troy <lyons.troy@epa.gov>
> **Cc:** Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Soviak, Sarah (Carper) <Sarah_Soviak@carper.senate.gov>; Mack, Bryan (Carper) <Bryan_Mack@carper.senate.gov>
> **Subject:** RE: Meeting with Ranking Member Carper

I have not read the Murray Action Plan and I do not intend to. I am happy to discuss again the circumstances from a year ago when I glanced at it.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Freedhoff, Michal (EPW) [mailto:Michal_Freedhoff@epw.senate.gov]
Sent: Monday, January 22, 2018 10:20 AM
To: Wheeler, Andrew R.; Lyons, Troy
Cc: Palich, Christian; Frye, Tony (Robert); Shimmin, Kaitlyn; Soviak, Sarah (Carper); Mack, Bryan (Carper)
Subject: RE: Meeting with Ranking Member Carper

Thanks

I'm looping our scheduling team so they can figure out the best time.

We'd like to talk further about the Murray Action Plan, perhaps with a more specific focus on the endangerment finding/climate science bullet and some of the other EPA recommendations on the list that have not yet been taken.

Michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight
Committee on Environment and Public Works Democratic Staff

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, January 19, 2018 5:49 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>; Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: Re: Meeting with Ranking Member Carper

I have other times available but I'm free all day Tuesday and Wednesday morning.

Sent from my iPhone

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> Andrew—Ranking Member Carper would like a follow up meet with you next week. Do you have availability to meet?
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> Michal—in preparation for the meeting, do you have the list of topics Senator Carper would like to discuss?
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> _____

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 cell)

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 1/22/2018 7:10:07 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: Re: Meeting with Ranking Member Carper

We will be there.

Sent from my iPhone

On Jan 22, 2018, at 1:58 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

This works for me but I'll let you guys answer since I would like you both there.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Mack, Bryan (Carper) [mailto:Bryan_Mack@carper.senate.gov]
Sent: Monday, January 22, 2018 1:53 PM
To: Wheeler, Andrew R.; Freedhoff, Michal (EPW); Lyons, Troy
Cc: Palich, Christian; Frye, Tony (Robert); Shimmin, Kaitlyn; Soviak, Sarah (Carper)
Subject: RE: Meeting with Ranking Member Carper

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Thanks,
Bryan

Bryan Mack
Director of Scheduling
Office of Senator Thomas R. Carper
513 Hart Senate Office Building
202-224-2441

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Monday, January 22, 2018 10:29 AM
To: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Soviak, Sarah (Carper) <Sarah_Soviak@carper.senate.gov>; Mack, Bryan (Carper) <Bryan_Mack@carper.senate.gov>
Subject: RE: Meeting with Ranking Member Carper

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Andrew R. Wheeler
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andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 F: +1 202 312 7460

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1050 K Street NW | Suite 400 | Washington, DC 20001, USA

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Sent: Monday, January 22, 2018 10:20 AM
To: Wheeler, Andrew R.; Lyons, Troy
Cc: Palich, Christian; Frye, Tony (Robert); Shimmin, Kaitlyn; Soviak, Sarah (Carper); Mack, Bryan (Carper)
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Michal Ilana Freedhoff, Ph.D.
Director of Oversight
Committee on Environment and Public Works Democratic Staff

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Sent: Friday, January 19, 2018 5:49 PM
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Sent from my iPhone

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>
> _____

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 cell)

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 4/7/2018 5:15:02 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: Andrew Wheeler Vote Update

Great update.

Ryan Jackson
Chief of Staff
U.S. EPA
Ex. 6

On Apr 2, 2018, at 11:10 AM, Palich, Christian <palich.christian@epa.gov> wrote:

Hi All,

Deliberative Process / Ex. 5

Wanted to keep everyone in the loop!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 1/3/2018 11:30:55 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
Subject: Re: Nomination Update-Andrew Wheeler

Deliberative Process / Ex. 5

Sent from my iPhone

On Jan 3, 2018, at 5:24 PM, Palich, Christian <palich.christian@epa.gov> wrote:

Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: **Ex. 6**
E: Palich.Christian@epa.gov

From: Jackson, Ryan
Sent: Wednesday, January 3, 2018 5:18 PM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Subject: RE: Nomination Update-Andrew Wheeler

Well, that's great. **Deliberative Process / Ex. 5**

From: Palich, Christian
Sent: Wednesday, January 3, 2018 5:11 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Subject: RE: Nomination Update-Andrew Wheeler

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Jackson, Ryan
Sent: Wednesday, January 3, 2018 4:09 PM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Subject: Re: Nomination Update-Andrew Wheeler

Deliberative Process / Ex. 5

Ryan Jackson
Chief of Staff
U.S. EPA
Ex. 6

On Jan 3, 2018, at 3:04 PM, Palich, Christian <palich.christian@epa.gov> wrote:

Hi All,

Deliberative Process / Ex. 5

Wanted to keep everyone in loop and will let you when we get more information.

Have a great day,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: **Ex. 6**
E: Palich.Christian@epa.gov

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 1/3/2018 5:02:07 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: status?

Thanks!

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Wednesday, January 03, 2018 11:51 AM
To: Wheeler, Andrew R.
Subject: RE: status?

Deliberative Process / Ex. 5

Will hopefully have update shortly!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Wednesday, January 3, 2018 11:44 AM
To: Palich, Christian <palich.christian@epa.gov>
Subject: status?

Do you need a letter or statement from me?

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 2/2/2018 10:02:23 PM
To: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Hewitt, James [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=41b19dd598d340bb8032923d902d4bd1-Hewitt, Jam]
Subject: RE: Update

Deliberative Process / Ex. 5

From: Bowman, Liz
Sent: Friday, February 2, 2018 12:12 PM
To: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>
Subject: RE: Update

That works; **Deliberative Process / Ex. 5**

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, February 2, 2018 11:13 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Hewitt, James <hewitt.james@epa.gov>
Subject: RE: Update

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Bowman, Liz [mailto:Bowman.Liz@epa.gov]
Sent: Friday, February 02, 2018 11:02 AM
To: Lyons, Troy; Wheeler, Andrew R.

Cc: Jackson, Ryan; Palich, Christian; Hewitt, James
Subject: RE: Update

Great, should Deliberative Process / Ex. 5)?

From: Lyons, Troy
Sent: Friday, February 2, 2018 10:58 AM
To: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Update

Deliberative Process / Ex. 5

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 (cell)

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 1/2/2018 9:24:01 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: Paperwork

Thanks, Andrew! I hope your break was good. Ex. 6

Deliberative Process / Ex. 5

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Tuesday, January 2, 2018 3:58 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: Paperwork

Happy New Year, Ex. 6 Is Deliberative Process / Ex. 5 Deliberative Process / Ex. 5 Thanks.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 10/25/2017 3:03:45 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Wehrum, William L. [wwehrum@hunton.com]; Dave Ross [Ex. 6]; Leopold, Matthew Z. [MLeopold@carltonfields.com]; Dourson, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bb29bf491d9a4c3ab569022bcd205a0a-Dourson, Mi]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Rodrick, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6515dbe46dae466da53c8a3aa3be8cc2-Rodrick, Ch]
Subject: RE: Congratulations

U.S. ENVIRONMENTAL PROTECTION AGENCY

NEWS RELEASE

WWW.EPA.GOV/NEWSROOM

Top EPA Presidential Nominees Approved By Senate EPW Committee

WASHINGTON (October 25, 2017) - Today, the U.S. Environmental Protection Agency (EPA) presidential nominees to head the Agency's air, water, chemical and legal offices were approved by the U.S. Senate Environment and Public Works Committee (EPW). The following nominations will soon be moved to the Senate chamber for a full vote:

Michael Dourson, nominee to be assistant administrator for the Office of Chemical Safety and Pollution Prevention.

Matthew Leopold, nominee to be assistant administrator for the Office of General Counsel at the EPA.

David Ross, nominee to be assistant administrator for the Office of Water at the EPA.

Bill Wehrum, nominee to be assistant administrator for the Office of Air and Regulation.

"I want to thank Chairman John Barrasso and Members of the Senate Environment and Public Works Committee for granting our nominees a fair Hearing and approving their nominations," **said Administrator Scott Pruitt**. "These top leaders in their fields will bring positive change to EPA's mission to protect human health and the environment. We look forward to a full Senate vote on these highly-qualified leaders."

Visit The EPA's Newsroom

Kaitlyn Shimmin
Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
O: (202) 564-4108
C: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Lyons, Troy
Sent: Wednesday, October 25, 2017 10:28 AM
To: Wehrum, William L. <wwehrum@hunton.com>; Dave Ross < Ex. 6 ; Leopold, Matthew Z. <MLeopold@carltonfields.com>; Dourson, Michael <dourson.michael@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>
Subject: Congratulations
Importance: High

Congratulations—you all have been voted out of the EPW committee! It's been a pleasure to working with you all and I look forward to working with you all on the next step—and getting you all in the door.

In terms of next steps—we are working with the White House and Leader McConnell's office to determine a path forward for your nominations.

_____

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 cell)

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/7/2017 9:02:36 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: Re: Running a little late

I'm in 508 hart

Sent from my iPhone

On Nov 7, 2017, at 3:56 PM, Palich, Christian <palich.christian@epa.gov> wrote:

> Still in with minority's staff, should be done shortly.
>
> Christian R. Palich
> Deputy Associate Administrator
> Congressional & Intergovernmental Relations
> **Ex. 6**
>
> Sent from my iPhone

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/3/2017 1:44:17 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: Re: Murder Board

Arriving now

Sent from my iPhone

On Nov 3, 2017, at 9:16 AM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:

> Sorry about that!! 1152 EAST constitution and 12th
>
> Sent from my iPhone
>
> On Nov 3, 2017, at 9:09 AM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:
>
> > I don't have it on my calendar. Where is it and what door do we need to come to?
> >
> > Andrew R. Wheeler
> > *Principal*
> > andrew.wheeler@FaegreBD.com Download vCard
> > D: +1 202 312 7424 | M: +1 Ex. 6 F: +1 202 312 7460
> >
> > **Faegre Baker Daniels Consulting**
> > 1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 11/29/2017 1:28:43 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Re: Tomorrow's vote

Yes. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Ryan Jackson
Chief of Staff
U.S. EPA
Ex. 6

On Nov 29, 2017, at 7:49 AM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Deliberative Process / Ex. 5

Sent from my iPhone

On Nov 28, 2017, at 10:21 PM, Palich, Christian <palich.christian@epa.gov> wrote:

Deliberative Process / Ex. 5 we have responded to 33 of 39 EPW member letters.

Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Nov 28, 2017, at 10:15 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Sent from my iPhone

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 10/11/2017 6:12:27 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: RE: EPW Questionnaire

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Tuesday, October 10, 2017 1:15 PM
To: Wheeler, Andrew R.
Cc: Lyons, Troy
Subject: RE: EPW Questionnaire

Sending in now. Thanks Andrew!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Tuesday, October 10, 2017 12:32 PM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: EPW Questionnaire

attached

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Tuesday, October 10, 2017 11:54 AM
To: Wheeler, Andrew R.
Cc: Lyons, Troy
Subject: EPW Questionnaire

Hi Andrew,

Deliberative Process / Ex. 5

Hope you had a great weekend!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: **Ex. 6**
E: Palich.Christian@epa.gov

Message

From: Wehrum, William L. [wwehrum@hunton.com]
Sent: 11/3/2017 11:03:21 AM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: Cloture FILED on Bill Wehrum

Thanks for everything, Christian. You've done a great job.

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Thursday, November 02, 2017 5:25 PM
To: Wehrum, William L.
Subject: Re: Cloture FILED on Bill Wehrum

Congrats Bill!

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Nov 2, 2017, at 4:21 PM, Wehrum, William L. <wwehrum@hunton.com> wrote:

> Excellent!
>
> ---
>
> **From:** Lyons, Troy [mailto:lyons.troy@epa.gov]
> **Sent:** Thursday, November 02, 2017 4:19 PM
> **To:** Jackson, Ryan; Gunasekara, Mandy; Dominguez, Alexander; Palich, Christian; Bowman, Liz
> **Cc:** Wehrum, William L.
> **Subject:** Cloture FILED on Bill Wehrum
> **Importance:** High
>
> See you in 30 hours
>
> _____
>
> **Troy M. Lyons**
> Associate Administrator
> Office of Congressional & Intergovernmental Relations
> U.S. Environmental Protection Agency
> Ex. 6 ell)

Message

From: Wehrum, William L. [wwehrum@hunton.com]
Sent: 11/3/2017 3:31:49 AM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: Re: Senate Update
Attachments: image001.jpg

Great job!

On Nov 2, 2017, at 10:34 PM, Lyons, Troy <lyons.troy@epa.gov<mailto:lyons.troy@epa.gov>> wrote:

It's even better seeing it in writing.

Sent from my iPhone

Begin forwarded message:

From: "Suares, Erica (McConnell)"
<Erica_Suares@mcconnell.senate.gov<mailto:Erica_Suares@mcconnell.senate.gov>>
Date: November 2, 2017 at 10:00:10 PM EDT
To: "Suares, Erica (McConnell)"
<Erica_Suares@mcconnell.senate.gov<mailto:Erica_Suares@mcconnell.senate.gov>>
Subject: Senate Update

Good evening,

The Senate will convene at 3:00 pm, Monday, November 6th. Following any Leader remarks, the Senate will proceed to Executive Session to resume consideration of Executive Calendar #107, Steven Andrew Engel, of the District of Columbia, to be an Assistant Attorney General.

At 5:30 pm, the Senate will proceed to a roll call vote on the motion to invoke cloture on the Engel nomination.

Please note, on Tuesday, November 7th at 12:00 pm, the Senate will proceed to a roll call vote on confirmation of Executive Calendar #247, John H. Gibson II, of Texas, to be Deputy Chief Management Officer of the Department of Defense.

Please also note, the Leader filed cloture on the following nominations in the following order:

- Cal. #107 - Steven Andrew Engel, of the District of Columbia, to be an Assistant Attorney General.

- Cal. #384 - Peter B. Robb, of Vermont, to be General Counsel of the National Labor Relations Board for a term of four years.

- Cal. #407 - William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency.

- Cal. #159 - Derek Kan, of California, to be Under Secretary of Transportation for Policy.

Today in the Senate (Thursday, 11/2):
Roll Call Votes:

- Confirmation of Executive Calendar #432, Allison H. Eid, of Colorado, to be United States Circuit Judge for the Tenth Circuit. Confirmed. (56-41)

- Motion to invoke cloture on Executive Calendar #433, Stephanos Bibas, of Pennsylvania, to be United States Circuit Judge for the Third Circuit. Invoked. (54-43)

- Confirmation of Executive Calendar #433, Stephanos Bibas, of Pennsylvania, to be United States Circuit Judge for the Third Circuit. Confirmed. (53-43)

Executive Session:
Cal. #409 - Peter Henry Barlerin, of Colorado, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador of the United States of America to the Republic of Cameroon.

Cal. #410 - Kathleen M. Fitzpatrick, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador of the United States of America to the Democratic Republic of Timor-Leste.
Cal. #411 - Michael James Dodman, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador of the United States of America to the Islamic Republic of Mauritania.
Cal. #414 - Michele Jeanne Sison, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador of the United States of America to the Republic of Haiti.
Cal. #415 - Jamie McCourt, of California, to be Ambassador of the United States of America to the French Republic, and to serve concurrently and without additional compensation as Ambassador of the United States of America to the Principality of Monaco.
Cal. #416 - Richard Duke Buchan III, of Florida, to be Ambassador of the United States of America to the Kingdom of Spain, and to serve concurrently and without additional compensation as Ambassador of the United States of America to Andorra.
Cal. #417 - Larry Edward Andre, Jr., of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador of the United States of America to the Republic of Djibouti.
Cal. #418 - Thomas L. Carter, of South Carolina, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Council of the International Civil Aviation Organization.
Cal. #419 - Nina Maria Fite, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador of the United States of America to the Republic of Angola.
Cal. #420 - Daniel L. Foote, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador of the United States of America to the Republic of Zambia.
Cal. #422 - Kenneth Ian Juster, of New York, to be Ambassador of the United States of America to the Republic of India.
Cal. #423 - W. Robert Kohorst, of California, to be Ambassador of the United States of America to the Republic of Croatia.
Cal. #424 - Edward T. McMullen, Jr., of South Carolina, to be Ambassador of the United States of America to the Swiss Confederation, and to serve concurrently and without additional compensation as Ambassador of the United States of America to the Principality of Liechtenstein.
Cal. #425 - David Dale Reimer, of Ohio, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador of the United States of America to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador of the United States of America to the Republic of Seychelles.
Cal. #426 - Eric P. Whitaker, of Illinois, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador of the United States of America to the Republic of Niger.
Cal. #427 - Carla Sands, of California, to be Ambassador of the United States of America to the Kingdom of Denmark.
Cal. #429 - Michael T. Evanoff, of Arkansas, to be an Assistant Secretary of State (Diplomatic Security).
Cal. #431 - Manisha Singh, of Florida, to be an Assistant Secretary of State (Economic and Business Affairs).
Cal. #378 - Kyle Fortson, of the District of Columbia, to be a Member of the National Mediation Board for a term expiring July 1, 2019.
Cal. #380 - Gerald W. Fauth, of Virginia, to be a Member of the National Mediation Board for a term expiring July 1, 2020.
Cal. #385 - Linda A. Puchala, of Maryland, to be a Member of the National Mediation Board for a term expiring July 1, 2018. (Reappointment)
Cal. #295 - Paul Dabbar, of New York, to be Under Secretary for Science, Department of Energy.
Cal. #296 - Mark Wesley Menezes, of Virginia, to be Under Secretary of Energy.
Cal. #323 – Richard Glick, of Virginia, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2022.
Cal. #324 – Kevin J. McIntyre, of Virginia, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2018.
Cal. #325 – Kevin J. McIntyre, of Virginia, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2023. (Reappointment)
Cal. #361 - Steven E. Winberg, of Pennsylvania, to be an Assistant Secretary of Energy (Fossil Energy)

Looking Ahead:
Nominations and Tax Reform

Please see 2 helpful links from House Ways & Means on the Tax Cuts and Jobs Act:

Bill Text:
https://waysandmeansforms.house.gov/uploadedfiles/bill_text.pdf<https://urldefense.proofpoint.com/v2/url?u=https-3A__waysandmeansforms.house.gov_uploadedfiles_bill-5Ftext.pdf&d=DwMGaQ&c=jxhwBfk-KSV6FFIot0PGng&r=yE0vRcg1_6xRchQQPG-5bl6t8x7mw3CtiGtCUlzxLOU&m=sraQ8hQsMNT9CsSXHrBTLeLnyd1hgl4hyGNJ0C3Ksb0&s=6zzfJYd_Xw100jHa3-OUciTti3-NfZj-dtThLP4zbYs&e=>
Section by Section:
https://waysandmeansforms.house.gov/uploadedfiles/tax_cuts_and_jobs_act_section_by_section_hr1.pdf<https://urldefense.proofpoint.com/v2/url?u=https-3A__waysandmeansforms.house.gov_uploadedfiles_tax-5Fcuts-5Fand-5Fjobs-5Fact-5Fsection-5Fby-5Fsection-5Fhr1.pdf&d=DwMGaQ&c=jxhwBfk-KSV6FFIot0PGng&r=yE0vRcg1_6xRchQQPG-5bl6t8x7mw3CtiGtCUlzxLOU&m=sraQ8hQsMNT9CsSXHrBTLeLnyd1hgl4hyGNJ0C3Ksb0&s=5hn8gRUpQ66QMOJOHAnmEr4KNLdGq1V3oYd2PlzxOBo&e=>

Please read Leader McConnell's statement on the House tax bill and his floor remarks from earlier today on the importance of tax reform.

Thanks, Erica

Erica Suares
Policy Advisor
Office of the Majority Leader
U.S. Senator Mitch McConnell
S-230, The Capitol
Ex. 6
Erica_Suares@mcconnell.senate.gov<mailto:Erica_Suares@mcconnell.senate.gov>
http://www.republicanleader.senate.gov/<https://urldefense.proofpoint.com/v2/url?u=http-3A__www.republicanleader.senate.gov_&d=DwMGaQ&c=jxhwBfk-KSV6FFIot0PGng&r=yE0vRcg1_6xRchQQPG-5bl6t8x7mw3CtiGtCUlzxLOU&m=sraQ8hQsMNT9CsSXHrBTLeLnyd1hgl4hyGNJ0C3Ksb0&s=9t0suplo1MoUgFjpwdKwWWnv56fjHpvle3gMTJBn9E4&e=>

<image001.jpg>
For Immediate Release, Thursday, November 2, 2017
Contacts: Don Stewart, David Popp
Robert Steurer, Stephanie Penn
Release: http://bit.ly/2xRcBLI<https://urldefense.proofpoint.com/v2/url?u=http-3A__bit.ly_2xRcBLI&d=DwMGaQ&c=jxhwBfk-KSV6FFIot0PGng&r=yE0vRcg1_6xRchQQPG-5bl6t8x7mw3CtiGtCUlzxLOU&m=sraQ8hQsMNT9CsSXHrBTLeLnyd1hgl4hyGNJ0C3Ksb0&s=NwWftamXKiPT3bpNg4XWOAVP3zRvhUKlQY8t77K-iSM&e=>

McConnell Statement on the
Tax Cuts and Jobs Act
'As the House continues moving its bill forward, we will continue doing the same in the Senate where the Finance Committee, under the leadership of Chairman Hatch, will soon release its own legislation. In conjunction with the administration, both chambers are going to keep moving full-steam ahead, because we are committed to achieving our shared tax reform goals for the middle class, working families, and small businesses.'

WASHINGTON, D.C. – Senate Majority Leader Mitch McConnell (R-KY) released the following statement regarding the Tax Cuts and Jobs Act that was released by the House Ways and Means Committee today:

"Today, the House of Representatives took a big step forward in our effort to help provide the American people with a robust economy that reaches for its full potential: that puts more money in middle-class pockets, that produces better jobs for workers, that secures more opportunity for our children. I commend Chairman Kevin Brady and the members of the Ways and Means Committee for all of their hard work to put forward this critical tax relief bill that could provide a typical middle-income family of four earning $59,000 with an approximate tax cut of $1,200 a year. That's real money for people across our country and in our home states, including mine, from Paducah to Hazard to Florence.

"As the House continues moving its bill forward, we will continue doing the same in the Senate where the Finance Committee, under the leadership of Chairman Hatch, will soon release its own legislation. In conjunction with the administration, both chambers are going to keep moving full-steam ahead, because we are committed to achieving our shared tax reform goals for the middle class, working families, and small businesses."

###

<image001.jpg>
For Immediate Release, Thursday, November 2, 2017
Contacts: Don Stewart, David Popp
Robert Steurer, Stephanie Penn
Release: http://bit.ly/2yoHYBI<https://urldefense.proofpoint.com/v2/url?u=http-3A__bit.ly_2yoHYBI&d=DwMGaQ&c=jxhwBfk-KSV6FFIot0PGng&r=yE0vRcg1_6xRchQQPG-5bl6t8x7mw3CtiGtCUlzxLOU&m=sraQ8hQsMNT9CsSXHrBTLeLnyd1hgl4hyGNJ0C3Ksb0&s=RD9oAtM_m0dSuDFnzZ7b6j5OyY4NGNKWkM34r0l4J5A&e=>
YouTube: http://bit.ly/2h6krhw<https://urldefense.proofpoint.com/v2/url?u=http-3A__bit.ly_2h6krhw&d=DwMGaQ&c=jxhwBfk-KSV6FFIot0PGng&r=yE0vRcg1_6xRchQQPG-5bl6t8x7mw3CtiGtCUlzxLOU&m=sraQ8hQsMNT9CsSXHrBTLeLnyd1hgl4hyGNJ0C3Ksb0&s=eEcOGsJPJU-IzukZgvrsDJmiKUyoWvfQkowsU4Qet3c&e=>

Tax Reform Will Help Middle Class, Working Families and Small Businesses

‘Today’s announcement is an important step forward for that process as well as for our once-in-a-generation opportunity to fundamentally rethink our tax code and deliver real relief. It’s been thirty years since we did that. It’s time to do it again.’

WASHINGTON, D.C. – Senate Majority Leader Mitch McConnell (R-KY) made the following remarks on the Senate floor regarding the need for tax reform:

“The Obama years were not easy for America’s middle class. For many, steady work became harder to find, paychecks stagnated, opportunities faded. America’s middle class deserves better after a decade of drift, and we’re working hard to deliver for them. Tax reform is the single most important thing we can do today to get the economy reaching for its true potential again.

“That’s why the Senate recently passed the legislative tools to advance it. That’s why the House recently did the same. And because we did, later today, after months of hard work, the House’s tax-writing committee will unveil its version of tax-reform legislation. I’d like to commend Chairman Brady and the members of the Ways and Means Committee for their hard work in unveiling this critical legislation today. This announcement is more positive momentum from our colleagues in the House, and I look forward to continued work with them moving forward.

“Here in the Senate, the Finance Committee will continue its work on tax reform legislation too. Both chambers are working on this at full-steam because we are committed to achieving our mutual tax reform goals for the middle class, working families, and small businesses. Our main goal is this: We want to take more money out of Washington’s pockets and put more in yours. This goal is shared by the American people. It is shared by the president and his team. It’s shared by Republicans in the House and the Senate.

“The goals of tax reform used to be shared by our Democratic friends too. Over many years, multiple Senate Democrats – including the Democratic Leader himself – have called on Congress to pass reform. But then, something changed – the president, it seems. Now we’re reading reports that our friends across the aisle plan to oppose any tax reform bill at all – regardless of what’s in it. It seems that Democratic leadership is praying that this chance to put more money in the pockets of the middle class fails.

“But why? To protect incentives that encourage companies to ship jobs overseas? I thought they were against those. To prevent working families from keeping more of what they earn? I assumed we all were for that. According to recent news reporting, Democrats apparently want to tank tax cuts for the middle class because it might give them a political leg-up. In other words, it seems this is some kind of game to them. So I certainly hope what we read isn’t true. I certainly hope Democrats will take note of the fact that their latest false talking point about tax reform just got debunked today too.

“This effort is way too important for any of that. I hope our friends will decide to work with their colleagues in a serious way instead. That’s what their constituents sent them here to do. That’s what their constituents deserve after the last decade of economic disappointment. So there’s no reason for our Democratic friends not to work across the aisle in a serious way to help shape this critically important effort.

“I would like to thank Chairmen Hatch and Brady for their commitment to tax reform and regular order. Through the committee process, members on both sides of the aisle will have the opportunity to offer input as the tax reform effort moves forward. Today’s announcement is an important step forward for that process as well as for our once-in-a-generation opportunity to fundamentally rethink our tax code and deliver real relief. It’s been thirty years since we did that. It’s time to do it again.”

###

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 10/18/2017 11:03:47 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
CC: Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Re: Nomination Timeline

Thank you!

Sent from my iPhone

On Oct 18, 2017, at 6:08 PM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:

Hi Andrew, here is your schedule as it stands. I'm working to get a few briefings here at EPA for the afternoon of the 23rd. I will send you calendar invites once they are scheduled.

Thursday, Oct 19

9:30 AM: Meeting with Senator Boozman
Location: Hart 141
Staffers: Joe Brown and Jimmy Harris

3:30 PM: Meeting with Senator Sullivan
Location: 702 Hart
Staffer: Pierce Wiegard

Tuesday, Oct 24

3:15 PM: Meeting with Senator Capito
Location: Russell 172
Staffer: Travis Cone

5:30 PM: Meeting with Senator Merkley
Location: Hart 313
Staffer: Adrian Deveny and Becca Ward

Wednesday, Oct 25

1:30 PM: Meeting with Senator Carper
Location: 513 Hart
Staff: Michal Freedhoff, Director of Oversight
Gabby Batkin, Staff Director
Mary Frances Repko, Deputy Staff Director

Thursday, Oct 26

2:30 PM: Meeting with Rep. Walden
Location: 2185 Rayburn

Kaitlyn Shimmin
Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
O: (202) 564-4108
C: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Wednesday, October 18, 2017 3:55 PM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: RE: Nomination Timeline

No problem.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
Sent: Wednesday, October 18, 2017 3:53 PM
To: Wheeler, Andrew R.
Subject: Re: Nomination Timeline

Double checked it's 3:30. Sorry about that!

Sent from my iPhone

On Oct 18, 2017, at 3:50 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> On my calendar for tomorrow I have a 4:00 with Sullivan but in the notes it says it's at 3:30. I can do either, but which is it? Thanks.
>
> Andrew R. Wheeler
> *Principal*
> andrew.wheeler@FaegreBD.com Download vCard
> D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460
>
> **Faegre Baker Daniels Consulting**
> 1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
Sent: Wednesday, October 18, 2017 3:24 PM
To: Wheeler, Andrew R.
Subject: RE: Nomination Timeline

2:30 PM on the 26th work for a Walden meeting? He's out of town the 27th.

Kaitlyn Shimmin
Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
O: (202) 564-4108
C: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Monday, October 16, 2017 4:22 PM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: RE: Nomination Timeline

I'm tied up the morning of the 26th.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
Sent: Friday, October 13, 2017 5:24 PM
To: Wheeler, Andrew R.; Lyons, Troy
Cc: Jackson, Ryan; Bowman, Liz; Palich, Christian; Ringel, Aaron; Frye, Tony (Robert); Rodrick, Christian
Subject: RE: Nomination Timeline

Andrew, Below are your meetings with EPW Members for next week. I will keep continue to keep you updated as I'm sure there will be changes.

Monday, Oct 16
2:45 PM: Meeting with OCIR Staff
Location: 3426 William Jefferson Clinton North

Tuesday, Oct 17
11:00 AM: Meeting with Senator Fischer
Location: 454 Russell

2:30 PM: Meeting with Senator Duckworth
Location: Hart 524

3:30 PM: Meeting with Chairman Barrasso
Location: Dirksen 307

4:30 PM: Meeting with Senator Markey
Location: 255 Dirksen

Wednesday, Oct 18

3:30 PM: Meeting with Senator Capito
Location: Russell 172

Thursday, Oct 19

2:30 PM: Meeting with Senator Whitehouse
Location: Hart 530

3:30 PM: Meeting with Senator Sullivan
Location: 702 Hart

Kaitlyn Shimmin
Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
O: (202) 564-4108
C: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, October 13, 2017 1:50 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>
Subject: Re: Nomination Timeline

Thank you. Deliberative Process / Ex. 5 I was waiting for a date.

Sent from my iPhone

On Oct 13, 2017, at 1:20 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

> Andrew—I wanted to provide you with an update on your confirmation process. Please let us know if we have missed any items in our list below or you need additional information.
>
> **HOUSEKEEPING ITEMS**
>
> Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

TIMING

Deliberative Process / Ex. 5

SCHEDULE

October 16: Meeting with OCIR Staff—the purpose is to identify

Deliberative Process / Ex. 5

October 17: Begin Meetings with EPW—we hope to Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

October 23: Program Briefings—OCIR will coordinate with the

Deliberative Process / Ex. 5

October 24: Murder Board and Debrief— Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

November 1: TENTATIVE Confirmation Hearing

POST HEARING TIMING

Deliberative Process / Ex. 5

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 (cell)

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/9/2017 10:43:42 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: Gardner & Johnson letter

Do you have a copy of the Portman letter?

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Tuesday, November 07, 2017 12:27 PM
To: Wheeler, Andrew R.
Subject: Gardner & Johnson letter

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 11/3/2017 2:34:33 AM
To: William L. Wehrum [wwehrum@hunton.com]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: Fwd: Senate Update

It's even better seeing it in writing.

Sent from my iPhone

Begin forwarded message:

From: "Suares, Erica (McConnell)" <Erica_Suares@mcconnell.senate.gov>
Date: November 2, 2017 at 10:00:10 PM EDT
To: "Suares, Erica (McConnell)" <Erica_Suares@mcconnell.senate.gov>
Subject: Senate Update

Good evening,

The Senate will convene at 3:00 pm, Monday, November 6th. Following any Leader remarks, the Senate will proceed to Executive Session to resume consideration of Executive Calendar #107, Steven Andrew Engel, of the District of Columbia, to be an Assistant Attorney General.

At 5:30 pm, the Senate will proceed to a roll call vote on the motion to invoke cloture on the Engel nomination.

Please note, on Tuesday, November 7th at 12:00 pm, the Senate will proceed to a roll call vote on confirmation of Executive Calendar #247, John H. Gibson II, of Texas, to be Deputy Chief Management Officer of the Department of Defense.

Please also note, the Leader filed cloture on the following nominations in the following order:

- <!--[if !supportLists]--><!--[endif]-->Cal. #107 - Steven Andrew Engel, of the District of Columbia, to be an Assistant Attorney General.
- <!--[if !supportLists]--><!--[endif]-->Cal. #384 - Peter B. Robb, of Vermont, to be General Counsel of the National Labor Relations Board for a term of four years.
- <!--[if !supportLists]--><!--[endif]-->**Cal. #407 - William L. Wehrum, of Delaware**, to be an Assistant Administrator of the Environmental Protection Agency.
- <!--[if !supportLists]--><!--[endif]-->Cal. #159 - Derek Kan, of California, to be Under Secretary of Transportation for Policy.

Today in the Senate (Thursday, 11/2):
Roll Call Votes:

- <!--[if !supportLists]--><!--[endif]-->Confirmation of Executive Calendar #432, Allison H. Eid, of Colorado, to be United States Circuit Judge for the Tenth Circuit. Confirmed. (56-41)

- <!--[if !supportLists]--><!--[endif]-->Motion to invoke cloture on Executive Calendar #433, Stephanos Bibas, of Pennsylvania, to be United States Circuit Judge for the Third Circuit. Invoked. (54-43)

- <!--[if !supportLists]--><!--[endif]-->Confirmation of Executive Calendar #433, Stephanos Bibas, of Pennsylvania, to be United States Circuit Judge for the Third Circuit. Confirmed. (53-43)

Executive Session:
Cal. #409 - Peter Henry Barlerin, of Colorado, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador of the United States of America to the Republic of Cameroon.
Cal. #410 - Kathleen M. Fitzpatrick, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador of the United States of America to the Democratic Republic of Timor-Leste.
Cal. #411 - Michael James Dodman, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador of the United States of America to the Islamic Republic of Mauritania.
Cal. #414 - Michele Jeanne Sison, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador of the United States of America to the Republic of Haiti.
Cal. #415 - Jamie McCourt, of California, to be Ambassador of the United States of America to the French Republic, and to serve concurrently and without additional compensation as Ambassador of the United States of America to the Principality of Monaco.
Cal. #416 - Richard Duke Buchan III, of Florida, to be Ambassador of the United States of America to the Kingdom of Spain, and to serve concurrently and without additional compensation as Ambassador of the United States of America to Andorra.
Cal. #417 - Larry Edward Andre, Jr., of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador of the United States of America to the Republic of Djibouti.
Cal. #418 - Thomas L. Carter, of South Carolina, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Council of the International Civil Aviation Organization.
Cal. #419 - Nina Maria Fite, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador of the United States of America to the Republic of Angola.
Cal. #420 - Daniel L. Foote, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador of the United States of America to the Republic of Zambia.
Cal. #422 - Kenneth Ian Juster, of New York, to be Ambassador of the United States of America to the Republic of India.
Cal. #423 - W. Robert Kohorst, of California, to be Ambassador of the United States of America to the Republic of Croatia.
Cal. #424 - Edward T. McMullen, Jr., of South Carolina, to be Ambassador of the United States of America to the Swiss Confederation, and to serve concurrently and without additional compensation as Ambassador of the United States of America to the Principality of Liechtenstein.
Cal. #425 - David Dale Reimer, of Ohio, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador of the United States of America to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador of the United States of America to the Republic of Seychelles.
Cal. #426 - Eric P. Whitaker, of Illinois, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador of the United States of America to the Republic of Niger.
Cal. #427 - Carla Sands, of California, to be Ambassador of the United States of America to the Kingdom of Denmark.
Cal. #429 - Michael T. Evanoff, of Arkansas, to be an Assistant Secretary of State (Diplomatic Security).
Cal. #431 - Manisha Singh, of Florida, to be an Assistant Secretary of State (Economic and Business Affairs).

Cal. #378 - Kyle Fortson, of the District of Columbia, to be a Member of the National Mediation Board for a term expiring July 1, 2019.
Cal. #380 - Gerald W. Fauth, of Virginia, to be a Member of the National Mediation Board for a term expiring July 1, 2020.
Cal. #385 - Linda A. Puchala, of Maryland, to be a Member of the National Mediation Board for a term expiring July 1, 2018. (Reappointment)
Cal. #295 - Paul Dabbar, of New York, to be Under Secretary for Science, Department of Energy.
Cal. #296 - Mark Wesley Menezes, of Virginia, to be Under Secretary of Energy.
Cal. #323 – Richard Glick, of Virginia, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2022.
Cal. #324 – Kevin J. McIntyre, of Virginia, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2018.
Cal. #325 – Kevin J. McIntyre, of Virginia, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2023. (Reappointment)
Cal. #361 - Steven E. Winberg, of Pennsylvania, to be an Assistant Secretary of Energy (Fossil Energy)

Looking Ahead:
Nominations and Tax Reform

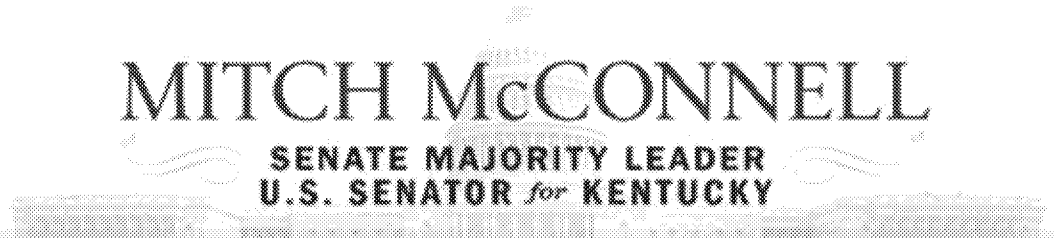
Please see 2 helpful links from House Ways & Means on the Tax Cuts and Jobs Act:

Bill Text: https://waysandmeansforms.house.gov/uploadedfiles/bill_text.pdf
Section by Section:
https://waysandmeansforms.house.gov/uploadedfiles/tax_cuts_and_jobs_act_section_by_section_hr1.pdf

Please read Leader McConnell's statement on the House tax bill and his floor remarks from earlier today on the importance of tax reform.

Thanks, Erica

Erica Suares
Policy Advisor
Office of the Majority Leader
U.S. Senator Mitch McConnell
S-230, The Capitol
Ex. 6
Erica_Suares@mcconnell.senate.gov
http://www.republicanleader.senate.gov/



For Immediate Release, Thursday, November 2, 2017
Contacts: Don Stewart, David Popp
Robert Steurer, Stephanie Penn
Release: http://bit.ly/2xRcBLI

McConnell Statement on the *Tax Cuts and Jobs Act*

'As the House continues moving its bill forward, we will continue doing the same in the Senate where the Finance Committee, under the leadership of Chairman Hatch, will soon release its own legislation. In conjunction with the administration, both chambers are going to keep moving full-steam ahead, because we are committed to achieving our shared tax reform goals for the middle class, working families, and small businesses.'

WASHINGTON, D.C. – *Senate Majority Leader Mitch McConnell (R-KY) released the following statement regarding the* Tax Cuts and Jobs Act *that was released by the House Ways and Means Committee today:*

"Today, the House of Representatives took a big step forward in our effort to help provide the American people with a robust economy that reaches for its full potential: that puts more money in middle-class pockets, that produces better jobs for workers, that secures more opportunity for our children. I commend Chairman Kevin Brady and the members of the Ways and Means Committee for all of their hard work to put forward this critical tax relief bill that could provide a typical middle-income family of four earning $59,000 with an approximate tax cut of $1,200 a year. That's real money for people across our country and in our home states, including mine, from Paducah to Hazard to Florence.

"As the House continues moving its bill forward, we will continue doing the same in the Senate where the Finance Committee, under the leadership of Chairman Hatch, will soon release its own legislation. In conjunction with the administration, both chambers are going to keep moving full-steam ahead, because we are committed to achieving our shared tax reform goals for the middle class, working families, and small businesses."

###

MITCH McCONNELL
SENATE MAJORITY LEADER
U.S. SENATOR for KENTUCKY

For Immediate Release, Thursday, November 2, 2017
Contacts: Don Stewart, David Popp
Robert Steurer, Stephanie Penn
Release: http://bit.ly/2yoHYBI
YouTube: http://bit.ly/2h6krhw

Tax Reform Will Help Middle Class, Working Families and Small Businesses

'Today's announcement is an important step forward for that process as well as for our once-in-a-generation opportunity to fundamentally rethink our tax code and deliver real relief. It's been thirty years since we did that. It's time to do it again.'

WASHINGTON, D.C. – *Senate Majority Leader Mitch McConnell (R-KY) made the following remarks on the Senate floor regarding the need for tax reform:*

"The Obama years were not easy for America's middle class. For many, steady work became harder to find, paychecks stagnated, opportunities faded. America's middle class deserves better after a decade of drift, and we're working hard to deliver for them. Tax reform is the single most important thing we can do today to get the economy reaching for its true potential again.

"That's why the Senate recently passed the legislative tools to advance it. That's why the House recently did the same. And because we did, later today, after months of hard work, the House's tax-writing committee will unveil its version of tax-reform legislation. I'd like to commend Chairman Brady and the members of the Ways and Means Committee for their hard work in unveiling this critical legislation today. This announcement is more positive momentum from our colleagues in the House, and I look forward to continued work with them moving forward.

"Here in the Senate, the Finance Committee will continue its work on tax reform legislation too. Both chambers are working on this at full-steam because we are committed to achieving our mutual tax reform goals for the middle class, working families, and small businesses. Our main goal is this: We want to take more money out of Washington's pockets and put more in yours. This goal is shared by the American people. It is shared by the president and his team. It's shared by Republicans in the House and the Senate.

"The goals of tax reform used to be shared by our Democratic friends too. Over many years, multiple Senate Democrats – including the Democratic Leader himself – have called on Congress to pass reform. But then, something changed — the president, it seems. Now we're reading reports that our friends across the aisle plan to oppose any tax reform bill at all – regardless of what's in it. It seems that Democratic leadership is praying that this chance to put more money in the pockets of the middle class fails.

"But why? To protect incentives that encourage companies to ship jobs overseas? I thought they were against those. To prevent working families from keeping more of what they earn? I assumed we all were for that. According to recent news reporting, Democrats apparently want to tank tax cuts for the middle class because it might give them a political leg-up. In other words, it seems this is some kind of game to them. So I certainly hope what we read isn't true. I certainly hope Democrats will take note of the fact that their latest false talking point about tax reform just got debunked today too.

"This effort is way too important for any of that. I hope our friends will decide to work with their colleagues in a serious way instead. That's what their constituents sent them here to do. That's what their constituents deserve after the last decade of economic disappointment. So there's no reason for our Democratic friends not to work across the aisle in a serious way to help shape this critically important effort.

“I would like to thank Chairmen Hatch and Brady for their commitment to tax reform and regular order. Through the committee process, members on both sides of the aisle will have the opportunity to offer input as the tax reform effort moves forward. Today’s announcement is an important step forward for that process as well as for our once-in-a-generation opportunity to fundamentally rethink our tax code and deliver real relief. It’s been thirty years since we did that. It’s time to do it again.”

###

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 10/6/2017 7:48:50 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: EPW Form

Ok, thanks!

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Friday, October 06, 2017 3:39 PM
To: Wheeler, Andrew R.
Subject: Re: EPW Form

Hi Andrew,

Deliberative Process / Ex. 5

Just wanted to get you an update. Enjoy the weekend.

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Oct 6, 2017, at 1:41 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> **Deliberative Process / Ex. 5**
>
> Andrew R. Wheeler
> *Principal*
> andrew.wheeler@FaegreBD.com Download vCard
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>
> **Faegre Baker Daniels Consulting**
> 1050 K Street NW | Suite 400 | Washington, DC 20001, USA
>
> ---
>
> **From:** Palich, Christian [mailto:palich.christian@epa.gov]
> **Sent:** Friday, October 06, 2017 1:38 PM
> **To:** Wheeler, Andrew R.

Cc: Jackson, Ryan
Subject: RE: EPW Form

Deliberative Process / Ex. 5

Thanks Andrew and have a terrific weekend!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, October 6, 2017 1:34 PM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: EPW Form
Importance: High

Attached is my EPW form. **Deliberative Process / Ex. 5**

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Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 10/18/2017 8:13:11 PM
To: Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: EPA deputy nominee Wheeler represented ethanol group

Deliberative Process / Ex. 5

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From: Bowman, Liz [mailto:Bowman.Liz@epa.gov]
Sent: Wednesday, October 18, 2017 4:12 PM
To: Wheeler, Andrew R.; Palich, Christian
Subject: RE: EPA deputy nominee Wheeler represented ethanol group

Thanks, **Deliberative Process / Ex. 5**

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Wednesday, October 18, 2017 3:55 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: FW: EPA deputy nominee Wheeler represented ethanol group

I would quarrel with the headline, I didn't represent them, represent typically means lobby for.

Andrew R. Wheeler
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1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: POLITICO Pro Energy Whiteboard [mailto:politicoemail@politicopro.com]
Sent: Wednesday, October 18, 2017 3:50 PM
To: Wheeler, Andrew R.
Subject: EPA deputy nominee Wheeler represented ethanol group

By Alex Guillén

10/18/2017 03:47 PM EDT

Andrew Wheeler, the nominee for EPA deputy administrator, worked for the ethanol group Growth Energy this year, according to his financial disclosure documents.

Wheeler, an attorney at Faegre Baker Daniels, was previously known to lobby for coal producer Murray Energy, among several other companies, as revealed in lobbying disclosures. But his financial disclosure shows Wheeler provided "strategic advice and counseling" rather than lobbying services to Growth Energy.

Growth Energy hired FBD for lobbying earlier this year, according to records, but Wheeler was never named on those disclosures.

"We hired Faegre Baker Daniels for lobbying and consultant help on renewable fuels issues. Andrew Wheeler has not lobbied on our behalf but has provided consultant services," Growth Energy spokeswoman Jenni Roberson said in an email. Wheeler did not return a request for comment today.

Growth Energy was one of the groups that successfully sued EPA over its 2014-2016 Renewable Fuel Standard volumes. It has also opposed EPA Administrator Scott Pruitt's recent move to potentially weaken biodiesel requirements, a proposal that has angered several key corn state Republican senators and threatened to hold up several other EPA nominees.

The financial disclosure shows Wheeler also provided advice and counsel, but not lobbying work, to International Paper, Archer Daniels Midland and General Mills. Previously reported lobbying clients included Xcel Energy, Bear Head LNG and Energy Fuels Resources.

WHAT'S NEXT: Wheeler was nominated earlier this month and has yet to have a nomination hearing in the Senate.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/10/epa-deputy-nominee-wheeler-represented-ethanol-group-094468

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Yes, very | Somewhat | Neutral | Not really | Not at all

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POLITICOPRO

This email was sent to andrew.Wheeler@faegrebd.com by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 11/2/2017 11:27:02 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: Hurricane Response Question

Deliberative Process / Ex. 5

Sent from my iPhone

On Nov 2, 2017, at 5:49 PM, Palich, Christian <palich.christian@epa.gov> wrote:

Hi Andrew,

Deliberative Process / Ex. 5

Have a great evening!

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Ringel, Aaron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1654BDC951284A6D899A418A89FB0ABF-RINGEL, AAR]
Sent: 10/10/2017 9:41:23 PM
To: Wehrum, William L. [wwehrum@hunton.com]
CC: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: Re: QFR Question

Thanks!

Sent from my iPhone

On Oct 10, 2017, at 5:39 PM, Wehrum, William L. <wwehrum@hunton.com> wrote:

Not yet. I'll get it to you in the morning.

From: Ringel, Aaron [mailto:ringel.aaron@epa.gov]
Sent: Tuesday, October 10, 2017 5:35 PM
To: Wehrum, William L.
Cc: Shimmin, Kaitlyn; Palich, Christian
Subject: QFR Question

Hi Bill, wanted to follow up and see if you had the table noted in the below question to include in the response. If you can send along as soon as possible would be appreciated.

Thanks!
Aaron

14. How many legal cases have you filed, or joined others in filing against the EPA, since leaving the agency? 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.

    WLW: [need case table **]

Aaron E. Ringel
Deputy Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency

W: 202.564.4373
Ringel.Aaron@epa.gov

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 1/10/2018 8:56:24 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: markup

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Thanks.

Andrew R. Wheeler
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 3/23/2018 11:43:59 PM
To: Andrew R. Wheeler [andrew.wheeler@FaegreBD.com]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: Fwd: Senate update

#4

Sent from my iPhone

Begin forwarded message:

From: "Suares, Erica (McConnell)" <Erica_Suares@mcconnell.senate.gov>
Date: March 23, 2018 at 6:56:24 PM EDT
To: "Suares, Erica (McConnell)" <Erica_Suares@mcconnell.senate.gov>
Subject: Senate update

Hi everyone,

The Senate will convene at 3:00 pm on April 9, 2018 (following a two-week recess). The Senate will proceed to Executive Session to resume consideration of Executive Calendar #539, Claria Horn Boom, of Kentucky, to be United States District Judge for the Eastern and Western Districts of Kentucky.

At 5:30 pm, April 9, the Senate will proceed to a roll call vote on the motion to invoke cloture on the Boom nomination.

ICYMI: late last night Leader McConnell filed cloture on the following nominations in the following order (this is the order we will process the nominations):

1. <!--[if !supportLists]--><!--[endif]-->Cal. #539 - Claria Horn Boom, of Kentucky, to be United States District Judge for the Eastern and Western Districts of Kentucky.
2. <!--[if !supportLists]--><!--[endif]-->Cal. #728 - John F. Ring, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2022.
3. <!--[if !supportLists]--><!--[endif]-->Cal. #605 - Patrick Pizzella, of Virginia, to be Deputy Secretary of Labor.
4. <!--[if !supportLists]--><!--[endif]-->Cal. #666 - Andrew Wheeler, of Virginia, to be Deputy Administrator of the Environmental Protection Agency.
5. <!--[if !supportLists]--><!--[endif]-->Cal. #540 - John W. Broomes, of Kansas, to be United States District Judge for the District of Kansas.
6. <!--[if !supportLists]--><!--[endif]-->Cal. #541 - Rebecca Grady Jennings, of Kentucky, to be United States District Judge for the Western District of Kentucky.

The Senate will convene for pro forma session only with no business conducted on the following dates at the following times:

- <!--[if !supportLists]--><!--[endif]-->Monday, March 26th at 11:30am
- <!--[if !supportLists]--><!--[endif]-->Thursday, March 29th at 3:45pm

- <!--[if !supportLists]--><!--[endif]-->Monday, April 2nd at 12:00pm
- <!--[if !supportLists]--><!--[endif]-->Thursday, April 5th at 11:30am

Yesterday in the Senate – Thursday, March 23 (roll call votes / wrap up – noms & legislation cleared by consent):

Roll Call Votes:

- <!--[if !supportLists]--><!--[endif]-->Motion to instruct the Sergeant at Arms to request the presence of absent Senators. Agreed to. (91-6)
- <!--[if !supportLists]--><!--[endif]-->Motion to invoke cloture on the motion to concur in the House amendment to the Senate amendment to H.R.1625, Omnibus Appropriations. Invoked. (67-30)
- <!--[if !supportLists]--><!--[endif]-->Motion to concur in the House amendment to the Senate amendment to H.R.1625, Omnibus Appropriations. Agreed to. (65-32)

Executive Session:

1. <!--[if !supportLists]--><!--[endif]-->Cal. #762 - Thomas T. Cullen, of Virginia, to be United States Attorney for the Western District of Virginia for the term of four years.
2. <!--[if !supportLists]--><!--[endif]-->Cal. #763 - Robert K. Hur, of Maryland, to be United States Attorney for the District of Maryland for the term of four years.
3. <!--[if !supportLists]--><!--[endif]-->Cal. #764 - David C. Joseph, of Louisiana, to be United States Attorney for the Western District of Louisiana for the term of four years.
4. <!--[if !supportLists]--><!--[endif]-->Cal. #330 – Steven T. Mnuchin, of California, to be United States Governor of the European Bank for Reconstruction and Development, United States Governor of the African Development Fund, and United States Governor of the Asian Development Bank.
5. <!--[if !supportLists]--><!--[endif]-->Cal. #331 – Steven T. Mnuchin, of California, to be United States Governor of the International Monetary Fund, United States Governor of the African Development Bank, United States Governor of the Inter-American Development Bank, and United States Governor of the International Bank for Reconstruction and Development for a term of five years.
6. <!--[if !supportLists]--><!--[endif]-->Cal. #721 - Anne Marie White, of Michigan, to be an Assistant Secretary of Energy (Environmental Management).
7. <!--[if !supportLists]--><!--[endif]-->Cal. #722 - Brent K. Park, of Tennessee, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration.
8. <!--[if !supportLists]--><!--[endif]-->Cal. #723 - James Edwin Williams, of Utah, to be Chief Financial Officer, Department of Labor.
9. <!--[if !supportLists]--><!--[endif]-->Cal. #725 - Mark Schneider, of the District of Columbia, to be Director of the Institute of Education Science, Department of Education for a term of six years.
10. <!--[if !supportLists]--><!--[endif]-->Cal. #616 - Carlos Trujillo, of Florida, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.
11. <!--[if !supportLists]--><!--[endif]-->Cal. #752 - Robert Frank Pence, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Finland.
12. <!--[if !supportLists]--><!--[endif]-->Cal. #753 - Edward Charles Prado, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Argentine Republic.
13. <!--[if !supportLists]--><!--[endif]-->Cal. #754 - Trevor D. Traina, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria.

14. <!--[if !supportLists]--><!--[endif]-->Cal. #755 - Erik Bethel, of Florida, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years.
15. <!--[if !supportLists]--><!--[endif]-->Cal. #756 - Judy Lynn Shelton, of Virginia, to be United States Director of the European Bank for Reconstruction and Development.
16. <!--[if !supportLists]--><!--[endif]-->Cal. #759 - Kevin Edward Moley, of Arizona, to be an Assistant Secretary of State (International Organization Affairs).
17. <!--[if !supportLists]--><!--[endif]-->Cal. #760 - Josephine Olsen, of Maryland, to be Director of the Peace Corps.
18. <!--[if !supportLists]--><!--[endif]-->Cal. #761 - Marie Royce, of California, to be an Assistant Secretary of State (Educational and Cultural Affairs).
19. <!--[if !supportLists]--><!--[endif]-->PN 1369 - Tim Thomas, of Kentucky, to be Federal Cochairman of the Appalachian Regional Commission.

ARMY
Cal. #742 – Brig. Gen. Timothy J. Hilty to be Major General
NAVY
Cal. #743 – Vice Adm. Matthew J. Kohler to be Vice Admiral
AIR FORCE
Cal. #744 – The following to be to be Major General:
Brig. Gen. Vincent K. Becklund
Brig. Gen. Charles S. Corcoran
Brig. Gen. Barry R. Cornish
Brig. Gen. Christopher E. Craige
Brig. Gen. Andrew A. Croft
Brig. Gen. Allan E. Day
Brig. Gen. Eric T. Fick
Brig. Gen. Chad P. Franks
Brig. Gen. John R. Gordy, II
Brig. Gen. Gregory M. Guillot
Brig. Gen. Stacey T. Hawkins
Brig. Gen. Cameron G. Holt
Brig. Gen. Kevin A. Huyck
Brig. Gen. David J. Julazadeh
Brig. Gen. Kevin B. Kennedy
Brig. Gen. Kyle J. Kremer
Brig. Gen. Peter J. Lambert
Brig. Gen. William J. Liquori, Jr.
Brig. Gen. Randall Reed
Brig. Gen. Lenny J. Richoux
Brig. Gen. Carl E. Schaefer
Brig. Gen. John E. Shaw
Brig. Gen. Brad M. Sullivan
Brig. Gen. Stephen C. Williams
MARINE CORPS
Cal. #745 – The following to be to be Major General:
Brig. Gen. James W. Bierman, Jr.
Brig. Gen. David J. Furness
Brig. Gen. John M. Jansen
Brig. Gen. Michael E. Langley
Brig. Gen. David A. Ottignon
Brig. Gen. Thomas D. Weidley

AIR FORCE
Cal. #746 – Lt. Gen. Timothy M. Ray to be General
Cal. #747 – Maj. Gen. David D. Thompson to be Lieutenant General
NAVY
Cal. #748 – Vice Adm. Christopher W. Grady to be Admiral
Cal. #749 – Rear Adm. Timothy J. White to be Vice Admiral
Cal. #750 – Capt. David A. Welch to be Rear Admiral (lower half)
Cal. #751 – Rear Adm. Scott A. Stearney to be Vice Admiral
And all nominations on the Secretary's Desk in the Air Force, Army, Marine Corps, and Navy.

Rule 14 – added to the Senate calendar:
S.2629 – Postal Service Reform
S.5247 – Right to Try

Wrap Up - cleared:
H.R.4851 – Kennedy-King Commemorative Site with a Young amendment
S.772 – Amber Alerts
Cal. #24, S.269 – Tanana Tribal Council
Cal. #229, S.607 – DOI Business Incubators with a Hoeven amendment
Cal. #248, S.1116 – Native American Business Development with a Hoeven amendment
Cal. #272, S.1223 – Klamath Tribe Judgement Fund Repeal
Cal. #295, S.943 – Johnson O'Malley Supplemental Indian Education with a Lankford amendment
Cal. #342, S.292 – Childhood Cancer STAR
Cal. #343, S.1091 – Supporting Grandparents Raising Grandchildren
S.Res.405 – National CACFP
S.Res.445 – Hurricane Maria
S.Res.446 – Cerebral Palsy
S.Res.447 – Rehabilitation Counselors
S.Res.448 – Women's History
S.Res.449 – Asbestos Awareness
H.R.4547 – Social Security

Also, please see several helpful documents from the Senate GOP Comms Center below.

We'll see you after the recess. Happy Easter (in advance)!

Of interest: "Holy Week Around the World:" https://www.theguardian.com/world/gallery/2016/mar/25/holy-week-celebrations-around-the-world-in-pictures

Thanks, Erica

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Senate Republican
Communications Center
202 • 228 • NEWS

Contact:
Antonia Ferrier 202.228.NEWS
http://bit.ly/2pxs8gQ

Restoring America's Military

Omnibus Bill 'Delivers The Largest Year-On-Year Increase In Defense Spending In Fifteen Years'

SENATE APPROPRIATIONS COMMITTEE: "The agreement provides the biggest year-over-year increase in defense funding in 15 years. Combined with FY2018 funding previously approved by Congress for missile defense and disaster response, the Defense Department will receive more than $61 billion over the 2017 enacted level. The omnibus measure funds a 2.4 percent pay increase for troops and includes substantial increases to support aircraft, ship, and equipment procurement. It also provides flexibility to execute operation and maintenance accounts more efficiently." (Senate Appropriations Committee, Press Release, 3/21/2018)

- <!--[if !supportLists]--><!--[endif]-->**"WINNERS: The troops: All military personnel will get a 2.4 percent pay raise..."** ("The Daily 202: Winners And Losers In The Spending Bill," *The Washington Post*, 3/22/2018)

- <!--[if !supportLists]--><!--[endif]-->**"In the broadest strokes, the bill gives Republicans a major win by delivering ... [an] increase in military spending..."** ("Congressional Negotiators Reach Deal On $1.3 Trillion Spending Bill Ahead Of Friday Government Shutdown Deadline," *The Washington Post*, 3/21/2018)

SEN. MCCONNELL: 'First And Foremost, In My View, This Bill Will Mark The End Of Disproportionate And Harmful Cuts To Department Of Defense Funding'

SENATE MAJORITY LEADER MITCH McCONNELL (R-KY): "First and foremost, in my view, this bill will mark the end of disproportionate and harmful cuts to Department of Defense funding. It delivers the largest year-on-year increase in defense spending in fifteen years. These new funding levels will ensure the training and tools available to our servicemembers remain on the cutting edge." (Sen. McConnell, Floor Remarks, 3/22/2018)

- <!--[if !supportLists]--><!--[endif]-->**SEN. McCONNELL (R-KY): "...building on the funding agreement passed in February, the measure will deliver the resources and certainty that America's military deserves. To be specific, this legislation will provide the largest year-on-year increase in defense funding in fifteen years.** After years of disproportionate cuts to our armed services, Congress has begun to provide adequate resources -- to put an end to the harmful decline in combat readiness. To fulfill our commitments to American families who sacrifice through service -- many of them in my home state of Kentucky. For our men and women in uniform, this means a well-deserved pay raise. ... Our warriors on the front line deserve to be trained to the highest standards, as do the units that replace them. Now our commanders can work to restore combat readiness. And not a moment too soon. Threats around the world are only growing in number and intensity. By strengthening our investment in missile defense; by funding new weapons systems; by scaling up shipbuilding and

aircraft procurement; and by investing in our all-volunteer servicemembers; we will send a strong message to our allies and our foes alike that America's military is regaining dominance." (Sen. McConnell, Floor Remarks, 3/21/2018)

SPEAKER PAUL RYAN (R-WI): "We made a promise to the country that we would rebuild our military. Aging equipment, personnel shortages, training lapses, maintenance lapses — all of this has cost us.... With this week's critical funding bill we will begin to reverse that damage." ("Spending Talks Nearly Done, $1.3T Bill Soon To Be Unveiled," *The Associated Press*, 3/21/2018)

SEN. ROY BLUNT (R-MO): "...I think in the last few weeks since the CR was passed, we sort of lost sight of what the bill we'll vote on this week will do for national defense. **Underfunding our defense capabilities, underfunding our training dollars, underfunding having equipment in the condition that you and I would want it to be in for the men and women that defend us, has caught up with us in the last couple of years.** Way too many people injured, way too many lives lost simply because we haven't treated our defense like we should. **This bill's the biggest year over year increase in defense in 15 years. $61 billion funding not only new training dollars, new missile defense, but also a pay increase for men and women in uniform. And that is the single biggest thing we'll be doing in the bill we vote on this week,** is trying to restore again the fact that we never want Americans to be in a fair fight, we want them to have every advantage they can possibly have." (Sen. Blunt, Press Conference, 3/20/2018)

REP. STEVE SCALISE (R-LA): "... [W]e're going to be voting on a bill to finally start restoring our nation's defense to the levels that it needs to be; to give our men and women in uniform the tools that they need -- not only to be prepared to defend our country, but to be able to train in a safe environment.... **[I]t's an important bill that finally restores the cuts that have been made to our nation's defense, so that we can rebuild and maintain one of our basic constitutional responsibilities, that is to provide for a strong national defense."** (Rep. Scalise, Press Conference, 3/20/2018)

REP. CATHY McMORRIS RODGERS (R-WA): "This week, the House is ... taking the final steps on our promise to rebuild our military, and give our troops a much-needed pay increase. We owe it to our servicemembers to make sure that they have the tools and the resources to safely train, restore readiness and keep all of us safe. And they go about it every day, here and all around the world." (Rep. McMorris Rodgers, Press Conference, 3/20/2018)

REP. LIZ CHENEY (R-WY): "[F]or far too long, because of the policies of the Obama administration in particular, because of inconsistent funding from Congress, we've been in a situation where our military has been starved.... [W]e're now in a position where that can end. And that's why we must pass this omnibus." (Rep. Cheney, Press Conference, 3/20/2018)

- <!--[if !supportLists]--><!--[endif]-->**REP. CHENEY:** "[W]e can't continue to ask our men and women in uniform to put their lives on the line, to make the ultimate sacrifice, unfortunately, in some cases, without the very best resources and equipment. Our adversaries' capabilities have been increasing, and our own have been decreasing. Passing this omnibus is the way to begin to change that, and to turn it around." (Rep. Cheney, Press Conference, 3/20/2018)

REP. DON BACON (R-NE): "I served nearly 30 years in the Air Force, 16 assignments, retired as a one-star. And **I saw the military performance and capabilities decline, particularly over the last five, 10 years, when I served there.... We can give you statistic after statistic. Our military should be second to none. And when you have your four-stars saying that our readiness levels are the worst they've seen on paper since 1977, it demands action."** (Rep. Bacon, Press Conference, 3/20/2018)

- <!--[if !supportLists]--><!--[endif]-->**REP. BACON:** "I believe in peace through strength. I believe in deterrence. And this bill that we're going to hopefully pass, and I think we will, will fix our military." (Rep. Bacon, Press Conference, 3/20/2018)

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Safety Provisions 'Will Be Effective And Save Lives'

Omnibus Legislation 'Delivers For Students And Teachers' By Including Fix NICS And STOP School Violence Act

SENATE MAJORITY LEADER MITCH McCONNELL (R-KY): "The [omnibus] legislation also delivers for students and teachers across our nation, who deserve to learn and work without fear of violence. At the insistence of the Speaker and myself, this bill will include two important, bipartisan, commonsense measures to address real issues facing the nation: the Fix NICS bill and the STOP School Violence Act." (Sen. McConnell, Remarks, 3/22/2018)

Parkland Victim Families Letter: "We are the families of the victims killed in the tragedy in Parkland, FL on February 14, 2018. **We strongly urge you to support the inclusion of the STOP School Violence Act and the Fix NICS ACT in the upcoming Omnibus spending bill to be debated and ultimately voted on in both chambers."** (Letter to Speaker Ryan, Rep. Pelosi, and Sens. McConnell and Schumer, 3/19/2018)

Fix NICS, 'A Bipartisan Proposal To Boost Compliance With The National Instant Criminal Background Check System'

SEN. JOHN CORNYN (R-TX): "The calls from the American people to address gun violence in our schools and communities have been deafening, and I'm grateful we'll soon get that chance… Fixing the background check system will help save lives and reduce the likelihood of what occurred in Parkland and Sutherland Springs from happening again." ("After Mass Shootings, Congress Likely To Approve Cornyn's Background Check Bill In Budget Deal," *The Dallas Morning News*, 3/21/2018)

The omnibus bill "includes legislation known as the Fix NICS Act that uses a combination of incentives and punishments to prod federal agencies and the military to upload records into the background-check system for purchasing guns. Republicans insisted on including the bipartisan bill in the … omnibus appropriations bill …" (*The Atlantic*, 3/22/2018)

- <!--[if !supportLists]--><!--[endif]-->**"The 'Fix NICS Act' authored by [Sen. John] Cornyn, the No. 2 Senate Republican, and Sen. Chris Murphy, a Connecticut Democrat, would penalize federal**

agencies that fail to report records and incentivize states to send criminal history records to the National Instant Criminal Background Check System. It has more than 75 co-sponsors in the Senate." ("After Mass Shootings, Congress Likely To Approve Cornyn's Background Check Bill In Budget Deal," *The Dallas Morning News*, 3/21/2018)

Parkland Victim Families Letter: "The Fix NICS Act is desperately needed to improve compliance with firearms purchasing background check systems which are already in place. These are systems that all US citizens rely on to keep firearms away from those that should not be allowed to purchase them." (Letter to Speaker Ryan, Rep. Pelosi, and Sens. McConnell and Schumer, 3/19/2018)

Organizations supporting Fix NICS legislation include:

- <!--[if !supportLists]--><!--[endif]-->Sandy Hook Promise
- <!--[if !supportLists]--><!--[endif]-->National Coalition Against Domestic Violence
- <!--[if !supportLists]--><!--[endif]-->Fraternal Order of Police
- <!--[if !supportLists]--><!--[endif]-->National Domestic Violence Hotline
- <!--[if !supportLists]--><!--[endif]-->National Sheriff's Association

The STOP School Violence Act 'Will Make Schools Safer'

SEN. ORRIN HATCH (R-UT): "First, **the [STOP School Violence Act] will provide grants to be used for evidence-based training to prevent student violence against others and self, including training for local law enforcement officers, school personnel, and students**.... Second, the bill will fund evidence-based technology and equipment to improve school security and prevent school violence.... Third, the bill will provide funding for the development and operation of evidence-based school threat assessment and crisis intervention teams ... Fourth, **the bill will authorize funding for continued coordination with local law enforcement. These four initiatives do not operate in isolation, but together are a comprehensive approach to improving school security and reducing student violence. Training students and teachers to identify and report warning signs is critical to stopping acts of school violence before they happen."** (Sen. Hatch, Press Release, 3/06/2018)

Parkland Victim Families Letter: "This Act will make schools safer by funding the creation of and providing training for Threat Assessment Teams (TATs), teachers and students. It also includes security measures and provides for the creation of anonymous reporting systems. All of which will help make schools safer." (Letter to Speaker Ryan, Rep. Pelosi, and Sens. McConnell and Schumer, 3/19/2018)

Organizations supporting the STOP School Violence Act include:

- <!--[if !supportLists]--><!--[endif]-->American Mental Health Counselors Association
- <!--[if !supportLists]--><!--[endif]-->American Psychiatric Association
- <!--[if !supportLists]--><!--[endif]-->American Psychoanalytic Association
- <!--[if !supportLists]--><!--[endif]-->Clinical Social Work Association
- <!--[if !supportLists]--><!--[endif]-->County Executives of America
- <!--[if !supportLists]--><!--[endif]-->Depression and Bipolar Support Alliance
- <!--[if !supportLists]--><!--[endif]-->Federal Law Enforcement Officers Association
- <!--[if !supportLists]--><!--[endif]-->Fraternal Order of Police
- <!--[if !supportLists]--><!--[endif]-->Major County Sheriffs' Association
- <!--[if !supportLists]--><!--[endif]-->Mental Health America
- <!--[if !supportLists]--><!--[endif]-->National Alliance for Public Charter Schools
- <!--[if !supportLists]--><!--[endif]-->National Alliance on Mental Illness
- <!--[if !supportLists]--><!--[endif]-->National Association for Children's Behavioral Health
- <!--[if !supportLists]--><!--[endif]-->National Association of Social Workers

- <!--[if !supportLists]--><!--[endif]-->National Association of State Fire Marshals
- <!--[if !supportLists]--><!--[endif]-->National Association of State Mental Health Program Directors
- <!--[if !supportLists]--><!--[endif]-->National Federation of Families for Children's Mental Health
- <!--[if !supportLists]--><!--[endif]-->Partner Alliance for Safer Schools
- <!--[if !supportLists]--><!--[endif]-->Safe and Sound Schools
- <!--[if !supportLists]--><!--[endif]-->Sandy Hook Promise
- <!--[if !supportLists]--><!--[endif]-->School Social WORK Association of America
- <!--[if !supportLists]--><!--[endif]-->Secure Schools Alliance
- <!--[if !supportLists]--><!--[endif]-->The National Alliance to Advance Adolescent Health
- <!--[if !supportLists]--><!--[endif]-->The National Council for Behavioral Health

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Omnibus Bill 'A Victory For Families Caught In The Grip Of The Opioid Epidemic'

'It Is Time To Liberate Our Communities From This Scourge Of Drug Addiction'

Omnibus Bill Will Help 'Combat This Growing Crisis'

PRESIDENT TRUMP: "It is time to liberate our communities from this scourge of drug addiction."
(President Trump, "How We Will Win The War On Opioids," 3/1/2018)

SENATE MAJORITY LEADER MITCH McCONNELL (R-KY): "[The omnibus bill is] a victory for families caught in the grip of the opioid epidemic. This bill scales up research, treatment and prevention funding and provides for grants to first responders. It will confront the scourge of addiction head-on and help save lives. For rural communities, like many in my home state of Kentucky, this is a big deal."
(Sen. McConnell, Floor Remarks, 3/22/2018)

SPEAKER PAUL RYAN (R-WI): "The opioid epidemic continues to ravage our communities... By expanding access to treatment and recovery efforts that have proven successful, we can empower individuals to retake control of their lives. And by investing in increased law enforcement efforts, we can empower local communities to address the problem at its root and stop the spread of these deadly drugs. Congress has long prioritized fighting opioid abuse—and we will not rest until we see results worthy of those counting on us. Through this week's legislation, we'll continue to partner with the Trump

administration to put an end to what very well may be the biggest public health emergency of our lifetime." (Speaker Ryan, Press Release, 3/19/2018)

TRUMP ADMINISTRATION STATEMENT OF ADMINISTRATION POLICY: "The Consolidated Appropriations Act provides $4 billion in high priority investments to fund the President's Opioid Initiative and combat this growing crisis. These resources will expand access to prevention, treatment, and recovery support services. It also includes $330 million for Department of Justice grant programs that support drug courts, treatment, and law enforcement and community responses, $130 million for the Rural Communities Opioid Response program, and $386 million for opioid-related programs at the Department of Veterans Affairs (VA). In addition, the bill prioritizes funding at the Department of Justice for the Drug Enforcement Administration and the Organized Drug Enforcement Task Force for fighting drug addiction and the opioid crisis. … If H.R. 1625 were presented to the President in its current form, his advisors would recommend that he sign the bill into law." (H.R.1625, Statement Of Administration Policy, 3/22/2018)

APPROPRIATIONS COMMITTEE CHAIRMAN SEN. THAD COCHRAN (R-MS): "Extensive negotiations and hard work went into producing this legislation, which… directs new funding to some of the most critical challenges facing our nation, including faltering infrastructure and the opioid crisis." (Sen. Cochran, Press Release, 5/21/2018)

- <!--[if !supportLists]--><!--[endif]-->**SENATE APPROPRIATIONS COMMITTEE: "The measure addresses the national opioid emergency declared by President Trump by allocating more than $4.65 billion throughout the government to work with states and localities to fight the opioid epidemic.** The funding, a $3.0 billion increase over FY2017, is directed toward continued opioid prevention, treatment, and law enforcement initiatives." (Senate Appropriations Committee, Press Release, 3/21/2018)

SEN. ROY BLUNT (R-MO): "The opioid epidemic is a devastating public health crisis that touches people of every age, from every background, in communities in Missouri and across the nation… The opioid epidemic is claiming 115 lives every day, forcing kids into foster care, straining law enforcement resources, and costing our economy more than $78 billion a year. That's why we've made opioid treatment, prevention, and research a priority in the past two government funding bills, and are continuing that effort with $3.6 billion this year." (Sen. Blunt, Press Release, 3/21/2018)

SEN. SHELLEY MOORE CAPITO (R-WV): "As a leader on the Appropriations Committee, I am proud that I was able to secure critical funding to support numerous West Virginia priorities—including efforts to fight the opioid epidemic… Specifically, this legislation provides a historic increase in anti-drug and opioid resources, including much-needed resources for the HIDTA and Drug Free Communities programs. … Not only does this legislation provide significant resources for these priorities, but it also ensures that those resources will be used responsibly and effectively. … That means West Virginia communities hardest-hit by the opioid epidemic will receive a fairer share of funding—an amount that will total tens of millions." (Sen. Shelley Moore Capito, Press Release, 3/21/2018)

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'Sustain Our Military's Primacy'

'Our Backlog Of Deferred Readiness, Procurement, And Modernization Requirements Has Grown In The Last Decade And A Half And Can No Longer Be Ignored.'

SEC. MATTIS: 'Congressional Action Will Ensure Our Military Can Defend Our Way Life, Preserve The Promise Of Prosperity, And Pass On The Freedoms You And I Enjoy To The Next Generation'

2018 National Defense Strategy: "To address the scope and pace of our competitors' and adversaries' ambitions and capabilities, we must invest in modernization of key capabilities through sustained, predictable budgets. Our backlog of deferred readiness, procurement, and modernization requirements has grown in the last decade and a half and can no longer be ignored. We will make targeted, disciplined increases in personnel and platforms to meet key capability and capacity needs. The 2018 National Defense Strategy underpins our planned fiscal year 2019-2023 budgets, accelerating our modernization programs and devoting additional resources in a sustained effort to solidify our competitive advantage." (Department of Defense, Press Release, 2/12/2018)

JAMES MATTIS, Secretary of Defense: "I cannot overstate the negative impact to our troops and families' morale from all this budget uncertainty. Today's **Congressional action will ensure our military can defend our way life, preserve the promise of prosperity, and pass on the freedoms you and I enjoy to the next generation."** (Sec. Mattis, White House Press Briefing, 2/07/2018)

- <!--[if !supportLists]--><!--[endif]-->**SEC. MATTIS: "If we are to sustain our military's primacy, we need budget predictability. ...no strategy can survive without the necessary stable, predictable funding. Failure to modernize our military risks leaving us with a force that could dominate the last war but be irrelevant to tomorrow's security."** (U.S. House Of Representatives, Armed Services Committee, Hearing, 2/6/2018)

UNDER SECRETARY OF DEFENSE COMPTROLLER DAVID NORQUIST: "We are appreciative of Congress raising the caps and ending the destructive effects of sequestration-level funding." (Department of Defense News Briefing on the President's Fiscal Year 2019 Defense Budget, 2/12/2018)

- <!--[if !supportLists]--><!--[endif]-->**NORQUIST: "Many of you heard Secretary Mattis' comments about the damaging effect of sequestration.... With the bipartisan budget agreement, that hemorrhaging stops."** (Department of Defense News Briefing on the President's Fiscal Year 2019 Defense Budget, 2/12/2018)

'Really Good Increases To Build Upon The Funding We Saw In '17 To Get Readiness Up'

GEN. JAMES C. McCONVILLE, Vice Chief of Staff United States Army: "… you have a situation where you have … well-over half the combatant commander's demands for forces come from the Army. So very high demand, and supply that just cannot meet that demand right now…. **That's why these – the budgets we're seeing that we should see from the FY '18, FY '19 for Congress are so – are so welcome, because they are really good increases to build upon the funding we saw in '17 to get readiness up** in terms of end strength, in terms of training time, in terms of equipment and equipment readiness rates – all those things I need to do to build that readiness. Because, as soon as I build it, all these other things are consuming it and eating it back down." ("Discussion with the Secretaries of the U.S. Military Departments," CSIS, Washington, DC, 3/12/2018)

SEC. of the ARMY MARK ESPER: "We're really appreciative of what Congress has done with regard to FY '18 dollars, the increase is spectacular…" ("Discussion with the Secretaries of the U.S. Military Departments," CSIS, Washington, DC, 3/12/2018)

ADMIRAL WILLIAM F. MORAN, U.S. Navy Vice Chief of Naval Operations: "Budget Control Act (BCA) funding caps over the past five years … challenged the ability of the Navy to adequately address the full range of needed investments while meeting near-term commitments…. During this time we prioritized funding for deployed naval forces first, and began accumulating risk to our surge forces, training forces, and our shore infrastructure. As a result, too many of our planes weren't ready to fly, too many ships were not training at sea, our ship and aircraft maintenance production was severely delayed, and our shore infrastructure had degraded to unacceptable levels." (U.S. Senate Armed Services Committee, Subcommittee on Readiness and Management Support, Hearing, 2/14/2018)

- <!--[if !supportLists]--><!--[endif]-->**ADMIRAL MORAN: "Unpredictable budgets not only hamstring the Navy's ability to prepare and plan, they are a major disincentive to industrial base investments in ship repair and modernization capacity we need to grow readiness. No business organization, public or private, can withstand the fits and starts of our budget environment."** (U.S. Senate Armed Services Committee, Subcommittee on Readiness and Management Support, Hearing, 2/14/2018)

GEN. STEPHEN W. WILSON, Vice Chief of Staff of the Air Force: "Our military advantages and readiness shrunk due to the longest continuous stretch of combat in our nation's history, coupled with years of inconsistent and insufficient funding. At the same time, our strategic competitors, notably China and Russia, have closed gaps in capability and capacity. The result is an overstretched and under resourced United States Air Force." (U.S. Senate Armed Services Committee, Subcommittee on Readiness and Management Support, Hearing, 2/14/2018)

- <!--[if !supportLists]--><!--[endif]-->**GEN. WILSON: "Readiness and lethality are derived from stable funding … We must get back to, and maintain, regular fiscal order … Prolonged budgetary stability is the most reliable way to ensure yesterday's winning force does not become irrelevant tomorrow. To that end, we are deeply appreciative of recent efforts to begin the return of fiscal order …"** (U.S. Senate Armed Services Committee, Subcommittee on Readiness and Management Support, Hearing, 2/14/2018)

GEN. GLENN WALTERS, Assistant Commandant of the Marine Corps: "Along with your authorizations as outlined in the 2018 NDAA, **we require your support through the required appropriations to adapt your Marine Corps to compete, deter and win against the threats we face together. CRs and the looming threat of sequestration continue to disrupt our planning and directly threaten our readiness. Predictable and sustained budgets remain the essential requirement for the Marine Corps to meet our obligation as the Nation's 'force in readiness.'"** (U.S. Senate Armed Services Committee, Subcommittee on Readiness and Management Support, Hearing, 2/14/2018)

- <!--[if !supportLists]--><!--[endif]-->**GEN. WALTERS: "Your Marine Corps requires continued support from Congress with predictable budgets over a sustained period to fully mitigate the readiness challenges we face.** Fiscal instability, resulting from persistent continuing resolutions (CRs) and looming and actual government shutdowns, produce the most significant risk to our readiness." (U.S. Senate Armed Services Committee, Subcommittee on Readiness and Management Support, Hearing, 2/14/2018)

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Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 11/6/2017 10:58:04 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: FW: Wheeler follow-ups from OW's briefing
Attachments: urban_waters_factsheet_federal_partnership_110515.pdf; EPA Statement on Integrated Planning for WRE 5.18.17.pdf; OW BUDGET OVERVIEW - 10-31-17 update.docx

Hi Andrew, not to overload you with more information but here Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Please let me know if Deliberative Process / Ex. 5

Kaitlyn Shimmin
Special Assistant Congressional and Intergovernmental Affairs
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U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
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O: (202) 564-4108
C: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Klasen, Matthew
Sent: Monday, November 6, 2017 5:41 PM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: If still helpful: Wheeler follow-ups from OW's briefing

Kaitlyn and Tony,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Let me know if you have any questions.

Thanks,
Matt

Water Quality Standards Actions ("Over-Promulgations") in EPW Member States: From existing fact sheets, here's the one that is EPW-specific:

CA (Harris): California Bay-Delta Flow Water Quality Standards

TMDL Actions in EPW Member States: From existing fact sheets, here's the one that is EPW-specific:
WV (Capito): Litigation regarding submission of biologically impaired WV waters

Urban Waters Program: See public fact sheet here. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

urban_waters_fa...

Sen. Fischer Integrated Planning Bill: Attached here, for reference, is the statement for the record we submitted this spring to a hearing about the bill. Gives good context for EPA's efforts and what we said at the time about the bill (which has since passed the Senate).

EPA Statement on Integrated Planni...

[Extra bonus]: Updated Budget Fact Sheet: Ideally, OW would like to see if they could update the version in his book with this one. (But if too late, I'm sure that's OK.)

OW BUDGET OVERVIEW - 10...

Matt Klasen
U.S Environmental Protection Agency
Office of Congressional Affairs
WJC North 3443P
202-566-0780
cell Ex. 6

STATEMENT FOR THE RECORD
U.S. ENVIRONMENTAL PROTECTION AGENCY

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT
UNITED STATES HOUSE OF REPRESENTATIVES

May 18, 2017

Chairman Graves, Ranking Member Napolitano, and members of the Subcommittee, thank you for the opportunity to provide a written statement for today's hearing record regarding the U.S. Environmental Protection Agency's efforts to achieve better water quality improvements through integrated municipal stormwater and wastewater planning (Integrated Planning) and other innovative approaches for meeting our infrastructure challenges. The EPA is grateful for the continued interest of the Subcommittee and of communities across the country in our efforts to promote Integrated Planning for meeting Clean Water Act obligations.

The nation has come a long way in improving water quality, public health and the environment since Congress enacted the Clean Water Act almost 45 years ago. We have improved water quality and increased public health protection in streams, lakes, bays, and other waters nationwide. However, significant water pollution challenges remain. We still face difficult and expensive challenges such as providing advanced treatment for nutrients and controlling combined sewer overflows, sanitary sewer overflows, and stormwater pollution.

Increases in impervious surfaces, aging infrastructure, declining population in rural and urban areas, and extreme events related to rainfall and drought are stressing existing infrastructure and

programs needed to fully attain Clean Water Act goals. In addition, many of our state and local government partners find themselves facing difficult financial conditions. The EPA continues to work with states and local governments to develop and implement new approaches that will achieve water quality and human health goals more cost effectively and sustain our nation's essential water infrastructure to create jobs and strengthen the economy.

In the past, the EPA, states, and municipalities have focused on each Clean Water Act requirement individually, without full consideration of all Clean Water Act requirements or how various water quality investments can be coordinated and managed as a consolidated effort. This approach may have had the unintended consequence of constraining a municipality from addressing its most serious water quality issues first. Integrated Planning offers municipalities an opportunity to meet Clean Water Act requirements in a way that allows the highest priority wastewater and stormwater projects to come first, and the EPA encourages communities to evaluate and incorporate sustainable and community first solutions, such as green infrastructure, into these efforts. After extensive public input, including a series of workshops across the country, the EPA issued the June 12, 2012 memorandum, "Integrated Municipal Stormwater and Wastewater Planning Approach Framework.[1]" The Framework explains EPA's goals in working with communities on Integrated Plans and provides communities with a guide to develop and implement effective integrated plans under the Clean Water Act.

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[1] A copy of the EPA June 12, 2012 memorandum is available at: https://www.epa.gov/sites/production/files/2015-10/documents/integrated_planning_framework.pdf.

Over the past several years, the EPA has encouraged the Integrated Planning approaches described in the 2012 memorandum. During the previous administration the agency's active pursuit of flexibility within Integrated Planning has been most visible in the enforcement realm where numerous settlements have either specifically included language incorporating Integrated Planning, or otherwise incorporated the concepts in a consent decree. For example, in settlements with King County and Seattle, Washington, where the EPA and the communities are working to resolve wastewater issues, our agreements included specific provisions for developing an integrated plan that would also include stormwater considerations. In other cases, such as recent amendments to a consent decree with the Sewerage and Water Board of New Orleans, Louisiana, Integrated Planning is not called out by name, but adjustments to the decree were made to account for the multiple Clean Water Act obligations that needed to be prioritized in concert with the ongoing recovery from Hurricane Katrina. Integrated Planning elements are part of numerous consent decrees in settled cases and pending enforcement cases.

Several cities across the country have approached the agency about pursuing Integrated Planning in the enforcement context to address their wastewater obligations. These cities are enthusiastic about the opportunities to take a more holistic approach to protecting water quality. It is the intent of the EPA to encourage Integrated Planning through avenues that emphasize the importance of cooperative federalism. EPA will facilitate its regional offices working with communities to develop plans and implement compliance schedules outside the enforcement context. States and municipalities both benefit by the prioritization that Integrated Planning

allows, granting them the flexibility to direct their limited investment resources to the projects that will have the highest impact.

The Integrated Planning approach can also serve as a catalyst for an evolving National Pollutant Discharge Elimination System (NPDES) permit program. While the Integrated Planning approach is voluntary, many municipalities have developed or are developing Integrated Plans that may ultimately inform the development of conditions and requirements in their NPDES permits. NPDES permits can have an important role in Integrated Planning by setting implementation schedules that are consistent with the permittee's financial capability, allowing for adaptive management, encouraging the use of sustainable green infrastructure, and assisting in implementing trading programs. These approaches could support more sustainable solutions that provide environmental improvement more quickly. In addition, the Integrated Planning approach encourages communities to develop a public participation process which can support adaptive management and provides opportunities for buy in and support from ratepayers, elected officials and environmental groups.

The EPA is encouraged that several communities have expressed interest in developing an integrated plan that can assist the NPDES permitting authority in reissuing their permits. Several other communities have already submitted an integrated plan to their NPDES permitting authority, and we welcome the efforts of additional communities to pursue such an approach. In October of 2014, EPA awarded a total of $335,000 in technical assistance to five communities to

help them develop components of integrated plans for wastewater and stormwater management that will provide examples of how communities can develop elements of integrated plans to support Clean Water Act permit conditions. The five communities are: Santa Maria, CA; Burlington, VT; Durham, NH; Springfield, MO; and Onondaga County, NY.

Building on the success of the Integrated Planning Framework, the EPA worked with stakeholder groups such as the U.S. Conference of Mayors, the National League of Cities, the National Association of Counties, the Water Environment Federation, and the National Association of Clean Water Agencies concerning the financial challenges that communities face as they pursue the goals of the Clean Water Act. These financial challenges are a constant concern for both the EPA and the regulated community, and turning attention to these issues was a natural outgrowth of our work on Integrated Planning.

From 2012 through 2014, EPA held a series of meetings with these stakeholders to solicit their input on the financial factors impacting community investments in clean water infrastructure. As part of the EPA's continued commitment to implementing Clean Water Act objectives in a sustainable manner, the EPA issued a Financial Capability Assessment Framework ("FCA Framework") in 2014 to help communities understand the flexibility in the 1997 FCA Guidance.[2] The FCA Framework was developed with extensive public input, including input from the

[2] Kopocis, K. (2014). *Financial Capability Assessment Framework for Municipal Clean Water Act Requirements.* [Memorandum]. Washington, DC: Environmental Protection Agency. Retrieved from https://www.epa.gov/sites/production/files/2015-10/documents/municipal_fca_framework.pdf

Environmental Financial Advisory Board and the stakeholder groups previously mentioned. The FCA Framework clarifies the EPA 1997 FCA Guidance – and the flexibilities therein – for developing compliance schedules that will ensure that the financial burdens on a utility and its customers are fully and consistently considered. The FCA Framework also provides examples of the types of "additional information" cities can provide in order to demonstrate a "more accurate and complete picture" of their financial capability as is envisioned in the 1997 FCA Guidance.

Last year, Senate Report 114–70, which accompanied the 2016 Consolidated Appropriations Act, directed EPA to contract with the National Academy of Public Administration (NAPA) to conduct an independent study to create a definition and framework for "community affordability" and determine how different localities can effectively fund municipal projects. NAPA will issue a report with findings and recommendations by September 19, 2017. EPA will use the NAPA report to identify potential modifications to EPA's 1997 FCA guidance.

It is also important to emphasize the contributions that the 51 Clean Water State Revolving Fund (CWSRF) programs can and do make to financing infrastructure planning at the local and regional levels. The enactment of the 2014 Water Resources Reform and Development Act amended the CWSRF program in ways that will clarify additional avenues for communities when they make wastewater and stormwater investments – which will assist them in implementing integrated plans. For example, these amendments specifically authorize the CWSRF to finance measures to manage, reduce, and treat stormwater. Further, CWSRFs can

now provide additional subsidies to encourage sustainable planning, design and construction of wastewater infrastructure. In addition, the Act created the Water Infrastructure Finance and Innovation Act (WIFIA) program. WIFIA is authorized to provide low-cost financing for water infrastructure projects of regional and national significance, including any type of project currently eligible under the CWSRF. WIFIA received its first appropriations to cover the subsidy cost of providing WIFIA credit assistance in FY 2017.

The EPA, states and municipalities are using the flexibility in the Clean Water Act and existing regulations to apply the Integrated Planning approach to identify cost-effective and protective solutions to successfully improve water quality. As we move forward with the Integrated Planning approach, we look forward to working with this Subcommittee, our state colleagues, municipalities, and the many other partners, stakeholders, and citizens to implement it. The EPA remains committed to improvements in wastewater and stormwater management and moving toward full attainment of water quality and human health goals.

OFFICE OF WATER BUDGET OVERVIEW

Office of Water's (OW) budget is comprised of 30 "Program Projects". These are the programmatic elements that appear in the President's Budget.

OW received funding for these Program Projects in four different Treasury Accounts

- Environmental Programs & Management (EPM) – Primarily operating funds (e.g. contracts, travel, expenses) and payroll. Also provides funding for the geographic programs.
- Science & Technology (S&T) – primarily funds scientific work
- State and Tribal Assistance Grants (STAG) – grants for states and tribes for water related activities
- Water Infrastructure Finance and Innovation Program Account (WIFIA) – new account in FY 2017, work previously funded by EPM. Provides the cost of direct loans for the cost of guaranteed loans as authorized by the Water Infrastructure Finance and Innovation Act of 2014. OW is authorized to collect and spend fees under this account.

Total OW Related Program Funding: FY 2016 Enacted – FY 2018 President's Budget

Program Projects	FY 2016	FY 2017	FY 2018
EPM Beach / Fish Programs	$1,982	$1,590	$0
EPM Chesapeake Bay (Water)	$68,967	$68,910	$0
EPM Gulf of Mexico (Water)	$4,162	$8,412	$0
EPM Lake Champlain	$4,399	$4,399	$0
EPM Long Island Sound	$3,940	$8,000	$0
EPM Geographic Program: Other (Water)	$7,327	$7,326	$0
EPM Marine Pollution	$10,161	$9,985	$0
EPM NEP / Coastal Waterways	$26,723	$26,723	$0
EPM Surface Water Protection	$200,256	$198,056	$174,975
EPM Wetlands	$21,065	$21,003	$18,115
EPM Great Lakes Restoration Initiative (Water)	$298,844	$298,815	$0
EPM South Florida (Water)	$1,625	$1,696	$0
EPM San Francisco Bay (Water)	$4,787	$4,781	$0
EPM Puget Sound (Water)	$27,879	$27,879	$0
EPM Water Quality Research & Support Grants	$12,700	$12,700	$0
EPM & S&T Drinking Water Programs	$99,790	$99,106	$83,448
EPM & S&T Homeland Security: Critical Infrastructure Protection	$11,489	$10,024	$0
S&T Homeland Security: Preparedness, Response and Recovery	$0	$0	$1,100
STAG Nonpoint Source (Sec. 319)	$164,915	$167,950	$0
STAG PWSS	$101,963	$100,194	$71,238
STAG Pollution Control (Sec. 106)	$230,806	$226,802	$161,257
STAG Wetlands Program Development	$14,661	$14,407	$10,243
STAG UIC	$10,506	$10,324	$7,340
STAG Beaches Protection	$9,549	$9,383	$0
STAG Alaska Native Villages	$20,000	$19,653	$0
STAG Clean Water SRF	$1,393,887	$1,369,702	$1,393,887
STAG Drinking Water SRF	$863,233	$848,255	$863,233
STAG Mexico Border	$10,000	$9,826	$0
STAG Gold King Mine – Water Monitoring	$0	$3,931	$0
WIFIA Water Infra Finance & Innovation	$0	$30,000	$20,000
	$3,625,616	**$3,619,832**	**$2,804,836**

URBANWATERS
FEDERAL PARTNERSHIP

The Urban Waters Federal Partnership: Connecting Communities to their Urban Waterways

ABOVE: Baltimore's vacant properties are being transformed through the use of green redevelopment strategies and tree plantings.

The Urban Waters Federal Partnership (UWFP) seeks to reconnect urban communities, particularly those that are overburdened or economically distressed, with their waterways to become stewards for clean urban waters. Through the Partnership, communities gain economic, environmental, and social benefits, and collaborate with Federal agencies, state and local agencies, and community-led efforts to achieve common goals.

The UWFP designated 19 locations between 2011 to 2014. The 19 geographically dispersed locations are working to revitalize urban waterways and the communities that surround them, transforming overlooked watersheds into community assets.

The UWFP is supported by 14 Federal agencies and more than 28 non-governmental organization (NGO) partners working in 19 designated locations. Examples of Partnership Accomplishments are highlighted below.

UWFP Accomplishments

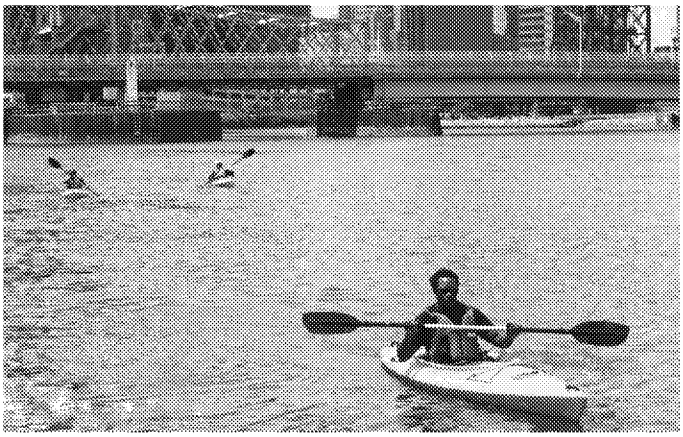
Toxics Cleanup in a New Jersey Watershed

The Lower Passaic River was severely impacted by the early 1900s Industrial Revolution and still contains contaminants, such as mercury and dioxins. Due to the polluted conditions and industry along the riverfront, local underserved communities have been denied river access.

To address this, the U.S. EPA Superfund Program and the U.S. Army Corps of Engineers are leading toxic sediment cleanups, improving the health of the Passaic River, reducing human and wildlife exposure to toxic hazards, and creating opportunities for habitat restoration. Other locally driven improvements include Newark's rebuilt Riverfront Park, which is the site of new community-based recreational programs and events. In addition, the UWFP is supporting future plans that include parks and new habitats for fish and wildlife.

Restoring Rapids in Michigan

Efforts to restore and recreate the namesake rapids to downtown Grand Rapids, Michigan will improve habitats for fish, including the threatened lake sturgeon, which is spiritually important to Native American tribes. New recreational activities will increase revenue at local businesses in Grand Rapids. Expanded recreational use of the river is estimated to add $15.9 - $19.1 million per year and 1,520 new jobs to the local economy.



ABOVE: The Lower Passaic River has become the site of new community-based recreational programs and events, and has attracted local residents to kayak on the river.

Redeveloping Vacant Lands in Maryland

Led by the U.S. Department of Agriculture's Forest Service, approximately 60 partners are working to redevelop Baltimore's vacant lands and clean the Patapsco watershed. The Patapsco watershed flows to the Baltimore City Harbor and into the Chesapeake Bay. Baltimore's 30,000 vacant properties pose economic, public health, and environmental problems. Location partners are adopting green redevelopment strategies to reduce polluted stormwater from those lots.

Partnering with Tribes for an Urban Wildlife Refuge

The Middle Rio Grande watershed, in New Mexico, is situated between several tribes, including the Isleta Pueblo to the south of Albuquerque, and the Sandia Pueblo and other tribes to the north. There are a number of underserved communities where residents face high levels of unemployment and poverty. The Middle Rio Grande faces numerous challenges because long-term drought is affecting ecosystems and communities along the river.

Through the UWFP, partners are cleaning up and restoring the ecosystem, redeveloping the Bridge Boulevard corridor, and supporting education through citizen science projects. Partners created the Valle de Oro National Wildlife Refuge, the first urban wildlife refuge in the Southwest. Nine Federal agencies, which are led by the U.S. Department of Housing and Urban Development and the U.S. EPA, are working with state and tribal agencies to implement these projects.

Guiding Principles of the Urban Waters Federal Partnership

- **Promote clean urban waters** - The Partnership enhances the value of urban waters, recognizing their importance for the environment, public health, natural beauty, and economic and recreational potential. The Partnership seeks to also protect, manage, and restore the lands that surround those waters.
- **Reconnect people to their waterways** - Urban communities need access to their waterways to draw on commercial, recreational, and educational benefits. Reconnecting underserved communities to their waterways fosters economic growth and improvements in residents' well-being.
- **Encourage water conservation** - The Partnership strives to promote sustainability of water resources. New educational and conservation programs geared toward urban communities inspire such efforts to improve infrastructure and conserve local water resources.
- **Use urban water systems as a way to promote economic revitalization and prosperity** - Access to healthy urban waters enhances economic competitiveness by revitalizing local businesses and creating jobs. Efforts are especially focused on communities disproportionately impacted by pollution or economic burdens.
- **Encourage community improvements through active partnerships** - Strong partnerships at the Federal, state, and local levels, and with tribes, integrate services needed for community revitalization. Federal partners are removing barriers to collaboration and increasing the effectiveness of their actions.
- **Listen to communities in order to engage them** - The Partnership seeks to understand community values and to see environmental issues through their eyes. The Partnership works with underserved populations from the bottom up, rather than taking a top-down approach.
- **Focus on measuring results and evaluation to fuel future success** - Finding ways to measure success allows the Partnership to better invest resources at the local and Federal level. The Partnership is committed to monitoring progress to respond quickly when change is needed.

EPA United States Environmental Protection Agency

October 2015

For additional information on the Urban Waters program, please visit: **http://www.urbanwaters.gov/**.

Message

From: andrew wheeler Ex. 6
Sent: 1/4/2018 5:29:36 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; andrew wheeler [andrew.wheeler@faegrebd.com]
Subject: Re: Committee Letter
Attachments: CommitteeLetter1-5-18.docx

attached is updated letter with tomorrows date.

On Thu, Jan 4, 2018 at 11:50 AM, andrew wheeler < Ex. 6 wrote:

> Christian, let me know if this needs to be changed.

January 5, 2018

Chairman John Barrasso
Senate Environment and Public Works Committee
Senate Dirksen Building Room 410
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper,

I certify that the information contained in my Committee Questionnaire is and remains, to the best of my knowledge, true and accurate.

During the period since the filing date of my financial disclosure report through the date of this letter, I have received no reportable outside earned income or honoraria from sources other than those identified in my financial disclosure report.

Thank you and the Committee for your consideration of my nomination.

Sincerely,

Andrew Wheeler

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 1/10/2018 5:09:51 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: Re: Senator Deliberative Process / Ex. 5

Will do.

Personal Matters / Ex. 6

Sent from my iPhone

On Jan 10, 2018, at 12:08 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Sure. **Deliberative Process / Ex. 5** **Personal Matters / Ex. 6**

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Wednesday, January 10, 2018 12:03 PM
To: Wheeler, Andrew R.
Cc: Palich, Christian; Frye, Tony (Robert)
Subject: Re: Senator Deliberative Process / Ex. 5

I think that **Deliberative Process / Ex. 5**

I think we should **Deliberative Process / Ex. 5**
Sent from my iPhone

On Jan 10, 2018, at 11:18 AM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

When should we **Deliberative Process / Ex. 5**
Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting

1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 10/2/2017 10:35:46 PM
To: Wehrum, William L. [wwehrum@hunton.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: Seeking response to comments from Bruce Buckheit

Well, first and foremost, CPP isn't being delayed, it's stayed in court…can you type up some short responses that I can turn around and send to the reporter? Thank you!

From: Wehrum, William L. [mailto:wwehrum@hunton.com]
Sent: Monday, October 2, 2017 6:07 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: FW: Seeking response to comments from Bruce Buckheit

Liz – Here's an inquiry from Morning Consult.

From: Iulia Gheorghiu [mailto:igheorghiu@morningconsult.com]
Sent: Monday, October 02, 2017 4:41 PM
To: Wehrum, William L.
Subject: Seeking response to comments from Bruce Buckheit

Hi Mr. Wehrum,

My name is Iulia, I am an energy reporter and I left a message on your direct line about the comments of one of your former colleagues - Bruce Buckheit.

While interviewing former EPA officials about your track record in the office and the importance of the role for which you've been nominated, Mr. Buckheit called your work in the EPA with Jeff Holmstead as being pro-industry and said you are a "true believer" of anti-regulatory dogma. He made several comments to suggest that you will be going to great lengths to delay the enforcement of the Clean Power Plan.

I would like to include a response from you on allegations of being overwhelmingly in support of industry. It's important to me that this piece is reported evenly so I wanted to give you an opportunity to comment. I left my phone number Ex. 6 on your office voicemail as well.

My deadline is 11 a.m. tomorrow, but I will be at the EPW hearing.

Sincerely,

Iulia Gheorghiu | Energy Reporter
igheorghiu@morningconsult.com | Ex. 6 | @IMGheorghiu

Brands | Washington | Intelligence
Energy | Finance | Health | Tech

Message

From: Ringel, Aaron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1654BDC951284A6D899A418A89FB0ABF-RINGEL, AAR]
Sent: 10/5/2017 11:42:56 AM
To: Wehrum, William L. [wwehrum@hunton.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
Subject: Re: A modest request to remove your name from consideration as EPA Assistant Administrator

Such a modest request.

Sent from my iPhone

> On Oct 5, 2017, at 7:40 AM, Wehrum, William L. <wwehrum@hunton.com> wrote:
>
> FYI
>
>
> Begin forwarded message:
>
> From: "Joshua S. Weitz" <jsweitz@gatech.edu<mailto:jsweitz@gatech.edu>>
> Date: October 4, 2017 at 10:55:15 PM EDT
> To: <wwehrum@hunton.com<mailto:wwehrum@hunton.com>>
> Subject: A modest request to remove your name from consideration as EPA Assistant Administrator
>
> Dear Mr. Wehrum,
>
> I am a scientist and Ex. 6 In both of these roles, I am writing to ask you to do the nation a profound service by withdrawing your name from consideration as the nominee for the position of EPA Assistant Administrator for the Office of Air and Radiation.
>
> I ask you to do so because the management of air quality is deeply entangled with human health. Our lives literally depend on it.
>
> If you are unable to critically assess both the easy facts - that the Earth is getting warmer, that the oceans are becoming more acidic, and that we - humans - are the major driver of such changes - then you will also be unable to deal with the many complicated tasks required to identify meaningful ways to maintain critical clean air standards. Of note, CO2 is in air. And too much of it is certainly not a good thing.
>
> Good policy stems from a reserve of judgment. Good policy is also informed by facts, evidence, and critical thinking. I recognize that as a lawyer you have substantial experience advising clients. Please act as your own best counsel and step away from this position and let someone else take on this role.
>
> Sincerely,
> Joshua Weitz
>
> ==========
> Joshua S. Weitz
> Professor, School of Biological Sciences
> Courtesy Professor, School of Physics
> Director, Interdisciplinary Graduate Program in Quantitative Biosciences
> Georgia Institute of Technology
> 310 Ferst Dr.
> Atlanta, GA 30332
>
> email: jsweitz@gatech.edu<mailto:jsweitz@gatech.edu>
> phone: Ex. 6
> office: Cherry Emerson 219
> group: https://urldefense.proofpoint.com/v2/url?u=http-3A__ecotheory.biology.gatech.edu_&d=DwIBAg&c=jxhwBfk-KSV6FFIot0PGng&r=yE0vRcg1_6xRchQQPG-5bl6t8x7mw3CtiGtCUlzxLOU&m=2-rPMNKBd5oV1M4w9d_Hq8Xpt8-PndI6nIsR0pTZX1M&s=ppVLXIAAeJCbETdHrkpPn07ycQx5D8uVe5ZWPjpb2wI&e=
> web: https://urldefense.proofpoint.com/v2/url?u=http-3A__www.biology.gatech.edu_people_joshua-2Dweitz&d=DwIBAg&c=jxhwBfk-KSV6FFIot0PGng&r=yE0vRcg1_6xRchQQPG-5bl6t8x7mw3CtiGtCUlzxLOU&m=2-rPMNKBd5oV1M4w9d_Hq8Xpt8-PndI6nIsR0pTZX1M&s=TNAaNq9xzmK0U2yWInDiVWJYRHMHuDvbseueGMtiWzg&e=

> twitter: @weitzlab & @QBioS_GT
> QBioS PhD: https://urldefense.proofpoint.com/v2/url?u=http-3A__qbios.gatech.edu&d=DwIBAg&c=jxhwBfk-KSV6FFIot0PGng&r=yE0vRcg1_6xRchQQPG-5bl6t8x7mw3CtiGtCUlzxLOU&m=2-rPMNKBd5oV1M4w9d_Hq8Xpt8-PndI6nIsR0pTZX1M&s=SKTsOy1gJPCbY3vjUPscEwvbnQTB62Tef4h3z1AUJs0&e=
> viral ecology book: https://urldefense.proofpoint.com/v2/url?u=http-3A__press.princeton.edu_titles_10642.html&d=DwIBAg&c=jxhwBfk-KSV6FFIot0PGng&r=yE0vRcg1_6xRchQQPG-5bl6t8x7mw3CtiGtCUlzxLOU&m=2-rPMNKBd5oV1M4w9d_Hq8Xpt8-PndI6nIsR0pTZX1M&s=IrOdWlgD1Ism4Xbh7DaE92-pt7_eDyblTFV45HCyhzM&e=
> ==========

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 1/10/2018 5:08:42 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: Re: Senator Deliberative Process / Ex. 5

Would you Deliberative Process / Ex. 5?

Sent from my iPhone

On Jan 10, 2018, at 11:18 AM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

When should we Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Wehrum, William L. [wwehrum@hunton.com]
Sent: 10/12/2017 9:24:18 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]
Subject: RE: Cleared Final QFR's

Thanks for your help.

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Thursday, October 12, 2017 4:32 PM
To: Wehrum, William L.
Cc: Ringel, Aaron
Subject: FW: Cleared Final QFR's

Updated version attached for your records Bill. Enjoy the evening!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Frye, Tony (Robert)
Sent: Thursday, October 12, 2017 4:30 PM
To: Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>
Subject: RE: Cleared Final QFR's

UPDATED document attached.

From: Palich, Christian
Sent: Thursday, October 12, 2017 4:24 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Fwd: Cleared Final QFR's

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

Begin forwarded message:

From: "Wehrum, William L." <wwehrum@hunton.com>
Date: October 12, 2017 at 4:19:15 PM EDT
To: "Palich, Christian" <palich.christian@epa.gov>
Cc: "Ringel, Aaron" <ringel.aaron@epa.gov>, "Lyons, Troy" <lyons.troy@epa.gov>
Subject: RE: Cleared Final QFR's

Christian – A few nits:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Thursday, October 12, 2017 3:16 PM
To: Wehrum, William L.
Cc: Ringel, Aaron; Lyons, Troy
Subject: Cleared Final QFR's

Hi Bill,

See attached final QFR's, please take a final read through. We owe them to committee no later than 4:30pm.

Thanks!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency

O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: David Ross [Ex. 6
Sent: 10/5/2017 11:07:18 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: wwehrum@hunton.com; Dourson, Michael (doursoml) [doursoml@ucmail.uc.edu]; Leopold, Matthew Z. [MLeopold@carltonfields.com]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Rodrick, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6515dbe46dae466da53c8a3aa3be8cc2-Rodrick, Ch]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]
Subject: Re: QFR Reference Sheet/Talking Points

Thanks Christian.

On Thu, Oct 5, 2017 at 4:34 PM, Palich, Christian <palich.christian@epa.gov> wrote:

Hi All,

In an effort to assist in the heavy lift of the QFR process we have developed the attached reference sheet with talking points and suggested answers to expected questions.

Deliberative Process / Ex. 5

Please let us know if you need anything further.

Have a great evening,

Christian R. Palich

Deputy Associate Administrator

Office of Congressional & Intergovernmental Affairs

U.S Environmental Protection Agency

O: 202.564.4944

C: Ex. 6

E: Palich.Christian@epa.gov

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 11/28/2017 5:23:49 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: Next week

Got it! Thanks

Sent from my iPhone

On Nov 28, 2017, at 11:57 AM, Palich, Christian <palich.christian@epa.gov> wrote:

> No problem Andrew!
>
> Christian R. Palich
> Deputy Associate Administrator
> Congressional & Intergovernmental Relations
> **Ex. 6**
>
> Sent from my iPhone
>
> On Nov 28, 2017, at 11:56 AM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:
>
>> I have a meeting at my firm on Thursday December 7th from 11:30-12:00. If we do any hill meetings that day I'll need enough travel time.
>>
>> Sent from my iPhone

Message

From: Wehrum, William L. [wwehrum@hunton.com]
Sent: 10/5/2017 11:33:26 AM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; David Ross [Ex. 6]; Dourson, Michael (doursoml) [doursoml@ucmail.uc.edu]; Leopold, Matthew Z. [MLeopold@carltonfields.com]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Rodrick, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6515dbe46dae466da53c8a3aa3be8cc2-Rodrick, Ch]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Re: QFR Process/Tips

As always, he was cordial. He said I did well.

On Oct 4, 2017, at 11:18 PM, Lyons, Troy <lyons.troy@epa.gov<mailto:lyons.troy@epa.gov>> wrote:

Haha how did that go?!?

_____
Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
[Ex. 6] tel: [Ex. 6] (cell)

Sent from my iPhone

On Oct 4, 2017, at 7:31 PM, Wehrum, William L. <wwehrum@hunton.com<mailto:wwehrum@hunton.com>> wrote:

For the record, Senator Carper was on train 188 to Wilmington tonight. Bumped into him at Union Station.

On Oct 4, 2017, at 5:42 PM, Palich, Christian <palich.christian@epa.gov<mailto:palich.christian@epa.gov>> wrote:

Hi All,

First off, terrific job! Today was a huge success. Next step will be responding to the QFR's the committee will send us for you all to answer. We will receive them by COB Friday and they will need to be completed by COB next Thursday October 12th. In an effort to have an efficient process we have put together attached (and below) QFR Process and tips sheet to help you.

As always please let us know if you have any questions. Enjoy celebrating the successful hearing this evening!

EPA Nominee Questions for the Record Response Process
October 4th, 2017

Background:

At 10 am on Wednesday, October 4th, 2017, the Senate Committee on Environment and Public (EPW) works held a full committee hearing entitled, Hearing on the Nominations of Michael Dourson, Matthew Leopold, David Ross, and William Wehrum to be Assistant Administrators of the Environmental Protection Agency, and Jeffery Baran to be a Member of the Nuclear Regulatory Commission. The following document provides a brief outline of the process that will be undertaken to respond to the corresponding questions for the record (QFR).

Overview:

Deliberative Process / Ex. 5

Tips for drafting responses to QFRs:

Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov<mailto:Palich.Christian@epa.gov>

<2017.10.04 - EPA QFR Process.docx>

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 10/5/2017 10:20:20 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: Congratulations!

That's great, good to know. I apologize again. Now that I know EPA is giving out medals, I probably need to up my game.

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Thursday, October 5, 2017 5:18 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Congratulations!

Let's include it going forward, I was only there four years and I received two of them during the Clinton Administration. You don't have to specify the award topics.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Bowman, Liz [mailto:Bowman.Liz@epa.gov]
Sent: Thursday, October 05, 2017 5:14 PM
To: Wheeler, Andrew R.; Lyons, Troy
Cc: Palich, Christian
Subject: RE: Congratulations!

Oh gosh, I am sorry. We didn't include that b/c I didn't know EPA had bronze medals…

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Thursday, October 5, 2017 5:11 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Congratulations!

No I wasn't kidding, I received three bronze medals at EPA.

EPA Bronze Medal: For Outstanding Support for the Agency IRM Planning and Budgeting Process
EPA Bronze Medal: For Expanding the Scope and Impact of the Toxic Release Inventory Program
EPA Bronze Medal: For the Development of the TSCA 8(e) CAP Information Product

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Bowman, Liz [mailto:Bowman.Liz@epa.gov]
Sent: Thursday, October 05, 2017 5:00 PM
To: Wheeler, Andrew R.; Lyons, Troy
Cc: Palich, Christian
Subject: RE: Congratulations!

Were you kidding about the three bronze medals?

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Thursday, October 5, 2017 4:55 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Congratulations!

Thanks! Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Thursday, October 05, 2017 4:50 PM
To: Wheeler, Andrew R.
Cc: Palich, Christian; Bowman, Liz
Subject: Congratulations!

Congratulations on the official nomination.

We look forward to working w you on your confirmation.

Deliberative Process / Ex. 5

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 (cell)

Sent from my iPhone

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 11/14/2017 1:08:45 AM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Andrew R. Wheeler [andrew.wheeler@FaegreBD.com]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: Qfrs

He's a champ.

-----Original Message-----
From: Lyons, Troy
Sent: Monday, November 13, 2017 8:04 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Andrew R. Wheeler <andrew.wheeler@FaegreBD.com>; Palich, Christian <palich.christian@epa.gov>
Subject: Qfrs

Rj--Andy deserves another bronze medal, **Deliberative Process / Ex. 5**

Sent from my iPhone

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 11/8/2017 11:12:11 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: Wheeler comments on Murray coal plan, DOE NOPR

Got it, thank you.

-----Original Message-----
From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Wednesday, November 8, 2017 4:59 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: Re: Wheeler comments on Murray coal plan, DOE NOPR

Deliberative Process / Ex. 5

Sent from my iPad

> On Nov 8, 2017, at 4:04 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:
>
> PM

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 11/14/2017 1:00:40 AM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: Re: QFR's

Employee of the decade.

Sent from my iPhone

On Nov 13, 2017, at 7:39 PM, Palich, Christian <palich.christian@epa.gov> wrote:

I'm speechless. **Deliberative Process / Ex. 5**

Enjoy the evening Andrew.

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Nov 13, 2017, at 7:19 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Done. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Monday, November 13, 2017 3:20 PM
To: Wheeler, Andrew R.
Cc: Lyons, Troy; Shimmin, Kaitlyn; Frye, Tony (Robert)
Subject: QFR's

Hi Andrew,

Attached are your QFR's from EPW Committee (only 76, not too bad!) and a draft
Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 I have put the QFR process timeline below and please let us know if you have any questions.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Best Regards,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

<ALL QFR's Wheeler 11.08.2017-Answers.docx>

Message

From: Ringel, Aaron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1654BDC951284A6D899A418A89FB0ABF-RINGEL, AAR]
Sent: 9/27/2017 2:28:59 PM
To: Wehrum, William L. [wwehrum@hunton.com]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Rodrick, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6515dbe46dae466da53c8a3aa3be8cc2-Rodrick, Ch]
Subject: Re: Quick Chat Today

That works, we'll send a meeting invite around shorty.

Sent from my iPhone

On Sep 27, 2017, at 10:25 AM, Wehrum, William L. <wwehrum@hunton.com> wrote:

> Sure. Does 10:00 work?
>
> ---
>
> **From:** Ringel, Aaron [mailto:ringel.aaron@epa.gov]
> **Sent:** Wednesday, September 27, 2017 10:18 AM
> **To:** Wehrum, William L.
> **Cc:** Palich, Christian; Lyons, Troy; Frye, Tony (Robert); Rodrick, Christian
> **Subject:** Re: Quick Chat Today
>
> Spoke with Troy, can we actually meet in person over here at EPA tomorrow before noon? Let us know if there is a good time that works for you.
>
> Thanks,
> Aaron
>
> Sent from my iPhone
>
> On Sep 27, 2017, at 10:09 AM, Wehrum, William L. <wwehrum@hunton.com> wrote:
>
>> Sounds good.
>>
>> ---
>>
>> **From:** Ringel, Aaron [mailto:ringel.aaron@epa.gov]
>> **Sent:** Wednesday, September 27, 2017 10:03 AM
>> **To:** Wehrum, William L.
>> **Cc:** Palich, Christian; Lyons, Troy; Frye, Tony (Robert); Rodrick, Christian
>> **Subject:** Re: Quick Chat Today
>>
>> Thanks Bill, Christian will be on the hill at 3:30pm but Troy and I are available and will call you then.
>>
>> Sent from my iPhone

On Sep 27, 2017, at 9:08 AM, Wehrum, William L. <wwehrum@hunton.com> wrote:

Hi Christian. Does 3:30 work?

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Wednesday, September 27, 2017 9:00 AM
To: Wehrum, William L.
Cc: Ringel, Aaron; Lyons, Troy; Frye, Tony (Robert)
Subject: Quick Chat Today

Hi Bill,

Deliberative Process / Ex. 5

Please let me know when you have some time to talk today and we will give you a call.

Thank you!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/14/2017 12:59:07 AM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: Re: QFR's

Deliberative Process / Ex. 5

Sent from my iPhone

On Nov 13, 2017, at 7:39 PM, Palich, Christian <palich.christian@epa.gov> wrote:

I'm speechless.. **Deliberative Process / Ex. 5**

Enjoy the evening Andrew.

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Nov 13, 2017, at 7:19 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Done. **Deliberative Process / Ex. 5**
Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 **Ex. 6** F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Monday, November 13, 2017 3:20 PM
To: Wheeler, Andrew R.
Cc: Lyons, Troy; Shimmin, Kaitlyn; Frye, Tony (Robert)
Subject: QFR's

Hi Andrew,

Attached are your QFR's from EPW Committee (only 76, not too bad!) and a **Deliberative Process / Ex. 5**
Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 I have put the QFR process timeline below and please let us know if you have any questions.

Deliberative Process / Ex. 5

Best Regards,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

<ALL QFR's Wheeler 11.08.2017-Answers.docx>

Message

From: Horner, Elizabeth (EPW) [Elizabeth_Horner@epw.senate.gov]
Sent: 9/28/2017 9:48:03 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Wehrum, William L. [wwehrum@hunton.com]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
Subject: RE: Sit Down on Monday

Let's do 3 p.m. on Monday, if that works. We can meet in our Dirksen office – SD-410.

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Thursday, September 28, 2017 3:56 PM
To: Wehrum, William L. <wwehrum@hunton.com>
Cc: Horner, Elizabeth (EPW) <Elizabeth_Horner@epw.senate.gov>; Palich, Christian <palich.christian@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: Sit Down on Monday

Bill,

Do you have time for us to go up to visit with Elizabeth and a few of her colleagues Monday afternoon? It should not take too long—the focus is to do a final run through of some of the questions we discussed earlier today.

Many thanks,

Troy

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 (cell)

Message

From: Olsen, Elizabeth (EPW) [Elizabeth_Olsen@epw.senate.gov]
Sent: 9/28/2017 9:30:39 PM
To: 'wwehrum@hunton.com' [wwehrum@hunton.com]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: RE: Senate Committee on Environment and Public Works: Witness Invitation
Attachments: Wehrum Witness Invite 10.04.2017.pdf

September 28, 2017

William L. Wehrum Jr.
2200 Pennsylvania Ave NW
Washington, DC 20037

Dear Mr. Wehrum:

On behalf of the Senate Committee on Environment and Public Works, we would like to invite you to testify before the Full Committee on Wednesday, October 4, 2017, beginning at 10:00 a.m. in Room 406 of the Dirksen Senate Office Building. The purpose of this hearing is to consider the nominations of Michael Dourson, Matthew Leopold, David Ross, and William Wehrum, to be Assistant Administrators of the Environmental Protection Agency, and Jeffery Baran to be a Member of the Nuclear Regulatory Commission.

In order to maximize the opportunity to discuss this matter with you, we ask that your oral testimony be limited to five minutes. Your written testimony can be comprehensive and will be included in the printed record in its entirety, together with any other materials you would like to submit.

Please email a copy of your testimony to Elizabeth_Olsen@epw.senate.gov and deliver 50 hard copies, 48 hours in advance of the hearing. Please include a brief biography with photo. If you plan to use or refer to any charts, graphs, diagrams, photos, maps or other exhibits in your testimony, please include an electronic or hard copy in your advance submissions. Exhibits or other materials that are not provided to the Committee by this time cannot be used for the purpose of presenting testimony. Testimony should be delivered to the Environment and Public Works Committee at 410 Dirksen Senate Office Building, Washington, DC 20510.

If you have any questions about this invitation or the hearing, please feel free to contact Richard Russell, Majority Staff Director, at Ex. 6 or Gabrielle Batkin, Minority Staff Director, at Ex. 6

Sincerely,

John Barrasso, M.D.
Chairman

Tom Carper
Ranking Member

Elizabeth "Lizzy" Olsen, J.D.
Majority Director of Operations
Senate Committee on Environment and Public Works

C
O Ex. 6

From: Olsen, Elizabeth (EPW)
Sent: Thursday, September 14, 2017 11:31 AM
To: 'wwehrum@hunton.com' <wwehrum@hunton.com>
Cc: 'palich.christian@epa.gov' <palich.christian@epa.gov>; 'lyons.troy@epa.gov' <lyons.troy@epa.gov>
Subject: Senate Committee on Environment and Public Works: Witness Invitation

September 14, 2017

William L. Wehrum Jr.
2200 Pennsylvania Ave NW
Washington, DC 20037

Dear Mr. Wehrum:

On behalf of the Senate Committee on Environment and Public Works, we would like to invite you to testify before the Full Committee on Wednesday, September 20, 2017, beginning at 10:00 a.m. in Room 406 of the Dirksen Senate Office Building. The purpose of this hearing is to consider the nominations of Michael Dourson, Matthew Leopold, David Ross, and William Wehrum, to be Assistant Administrators of the Environmental Protection Agency, and Jeffery Baran to be a Member of the Nuclear Regulatory Commission.

In order to maximize the opportunity to discuss this matter with you, we ask that your oral testimony be limited to five minutes. Your written testimony can be comprehensive and will be included in the printed record in its entirety, together with any other materials you would like to submit.

Please email a copy of your testimony to Elizabeth_Olsen@epw.senate.gov and deliver 50 hard copies, 48 hours in advance of the hearing. Please include a brief biography with photo. If you plan to use or refer to any charts, graphs, diagrams, photos, maps or other exhibits in your testimony, please include an electronic or hard copy in your advance submissions. Exhibits or other materials that are not provided to the Committee by this time cannot be used for the purpose of presenting testimony. Testimony should be delivered to the Environment and Public Works Committee at 410 Dirksen Senate Office Building, Washington, DC 20510.

If you have any questions about this invitation or the hearing, please feel free to contact Richard Russell, Majority Staff Director, at Ex. 6 or Gabrielle Batkin, Minority Staff Director, at Ex. 6

Sincerely,

John Barrasso, M.D.
Chairman

Tom Carper
Ranking Member

Elizabeth "Lizzy" Olsen, J.D.
Majority Director of Operations
Senate Committee on Environment and Public Works
C
O Ex. 6

JOHN BARRASSO, WYOMING, CHAIRMAN

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TAMMY DUCKWORTH, ILLINOIS
KAMALA HARRIS, CALIFORNIA

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR
GABRIELLE BATKIN, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510-6175

September 28, 2017

William L. Wehrum Jr.
2200 Pennsylvania Ave NW
Washington, DC 20037

Dear Mr. Wehrum:

On behalf of the Senate Committee on Environment and Public Works, we would like to invite you to testify before the Full Committee on Wednesday, October 4, 2017, beginning at 10:00 a.m. in Room 406 of the Dirksen Senate Office Building. The purpose of this hearing is to consider the nominations of Michael Dourson, Matthew Leopold, David Ross, and William Wehrum, to be Assistant Administrators of the Environmental Protection Agency, and Jeffery Baran to be a Member of the Nuclear Regulatory Commission.

In order to maximize the opportunity to discuss this matter with you, we ask that your oral testimony be limited to five minutes. Your written testimony can be comprehensive and will be included in the printed record in its entirety, together with any other materials you would like to submit.

Please email a copy of your testimony to Elizabeth_Olsen@epw.senate.gov and deliver 50 hard copies, 48 hours in advance of the hearing. Please include a brief biography with photo. If you plan to use or refer to any charts, graphs, diagrams, photos, maps or other exhibits in your testimony, please include an electronic or hard copy in your advance submissions. Exhibits or other materials that are not provided to the Committee by this time cannot be used for the purpose of presenting testimony. Testimony should be delivered to the Environment and Public Works Committee at 410 Dirksen Senate Office Building, Washington, DC 20510.

If you have any questions about this invitation or the hearing, please feel free to contact Richard Russell, Majority Staff Director, at Ex. 6 or Gabrielle Batkin, Minority Staff Director, at Ex. 6
Ex. 6

Sincerely,

John Barrasso, M.D.
Chairman

Tom Carper
Ranking Member

PRINTED ON RECYCLED PAPER

Message

From: Wehrum, William L. [wwehrum@hunton.com]
Sent: 11/8/2017 9:36:11 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: Senate voting now

Thanks Christian. Good to have friends.

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Wednesday, November 08, 2017 4:35 PM
To: Wehrum, William L.
Subject: FW: Senate voting now

See below…the leader had great things to say about you.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Suares, Erica (McConnell) [mailto:Erica_Suares@mcconnell.senate.gov]
Sent: Wednesday, November 8, 2017 4:31 PM
To: Suares, Erica (McConnell) <Erica_Suares@mcconnell.senate.gov>
Subject: Senate voting now

1. Confirmation of Executive Calendar #384, Peter B. Robb, of Vermont, to be General Counsel of the National Labor Relations Board for a term of four years.

2. Motion to invoke cloture on Executive Calendar #407, William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency.

Erica Suares
Policy Advisor
Office of the Majority Leader
U.S. Senator Mitch McConnell
S-230, The Capitol
Ex. 6
Erica_Suares@mcconnell.senate.gov
http://www.republicanleader.senate.gov/

MITCH McCONNELL
SENATE MAJORITY LEADER
U.S. SENATOR for KENTUCKY

For Immediate Release, Wednesday, November 8, 2017
Contacts: Don Stewart, David Popp

Robert Steurer, Stephanie Penn

Release: http://bit.ly/2m5NqMA

YouTube: http://bit.ly/2hjQkDe

Senate Continues To Confirm The President's Well-Qualified, Talented Nominees

'This Republican Senate is continuing its important work on behalf of the American people. We're moving forward on legislative priorities that will benefit hardworking families throughout the country. We're also continuing to confirm President Trump's nominees throughout the federal government.'

WASHINGTON, D.C. – *Senate Majority Leader Mitch McConnell (R-KY) made the following remarks on the Senate floor regarding the need to confirm more of the president's nominees:*

"This Republican Senate is continuing its important work on behalf of the American people. We're moving forward on legislative priorities that will benefit hardworking families throughout the country. We're also continuing to confirm President Trump's nominees throughout the federal government. Last week, we continued our momentum with the confirmation of well-qualified and talented individuals to serve in the federal judiciary.

"This week, the Senate is considering multiple nominations to important agencies. Yesterday, we confirmed officials to the Department of Defense and to the Department of Justice. Soon, they'll get to work for the American people. Next, the Senate will vote to confirm Peter Robb as the general counsel of the National Labor Relations Board. As I said yesterday, Mr. Robb's experience in employment law will help return the NLRB to its role as an impartial arbiter of labor disputes, instead of a political cudgel for union bosses and left-wing special interests as it was under the Obama Administration.

"Then, we will turn to another qualified individual who will help undo some of the damage of the Obama Administration. William Wehrum, President Trump's nominee to be the Assistant Administrator for the EPA's Office of Air and Radiation, will put his experience to good use for our nation.

"The Office of Air and Radiation is one of the most important parts of the EPA — unfortunately, under the previous Administration, it was also one of the offices with the most significant overreach. This one office was responsible for 95 percent of the annual regulatory burdens that the EPA forced onto our economy, according to one report, reportedly costing the economy at least $41 billion.

"So this is an office in desperate need of new leadership from an individual who understands how to implement clean air policies in a balanced way — rather than with extreme regulatory overreach. Mr. Wehrum is the right person for the job. With more than three decades of experience in environmental policy, he understands the issues before the EPA and how to address them. He's even worked in this office before, serving as Acting Administrator from 2005-2007.

"Mr. Wehrum has earned support from many different corners. His former boss at the EPA, Jeff Holmstead, said, 'there is no better person,' to fill this position. The EPA's deputy administrator from 2005-2009, Marcus Peacock, said 'Wehrum's understanding of the Clean Air Act may be second to none.'

"And even the Natural Resources Defense Council – not exactly a right-wing organization – had this to say about this nominee's previous experience at the EPA, noting that he 'achieve[d] important air pollution reductions.' 'Wehrum, Holmstead, and the Bush EPA,' the NRDC further wrote, 'deserve credit for these substantial public health and air quality achievements.'

"Nominees like Mr. Wehrum will continue the work of this EPA to undo the damage of the Obama Administration's overreach in a reasonable manner. For instance, Obama's Office of Air and Radiation was responsible for the Administration's dubious energy regulatory scheme, which threatened to punish coal families and ship middle-class jobs overseas. When Administrator Scott Pruitt came to Kentucky last month, he announced the official withdrawal of that rule.

"Unlike the previous leadership of the EPA, Administrator Pruitt actually cared enough to come to my home state and hear directly from the men and women impacted by the Agency's regulations. He is someone who will work with us to protect our environment and save Kentucky families from harmful regulations. Mr. Wehrum will work with Administrator Pruitt to help continue this trend at the EPA. I look forward to the Senate advancing his nomination."

###

MITCH McCONNELL

SENATE MAJORITY LEADER
U.S. SENATOR for KENTUCKY

For Immediate Release, Wednesday, November 8, 2017
Contacts: Don Stewart, David Popp
Robert Steurer, Stephanie Penn
Release: http://bit.ly/2AuPcSb
YouTube: http://bit.ly/2m7uAwa

Democrats Should Join Us On Tax Reform

'Yesterday, Senators, members of the administration, and tax reform advocates met here in the Capitol to discuss a mutual vision for relief. They shared the goals of simplicity, fairness and economic growth. These are the same goals that I have. They're the same goals the House wrote into its legislation. They're the same goals the president asked us to consider. And – most importantly – they are the goals shared by many Americans across the political spectrum.'

WASHINGTON, D.C. – *Senate Majority Leader Mitch McConnell (R-KY) made the following remarks on the Senate floor regarding congressional tax reform efforts*:

"Members of the Senate are continuing to work hard to deliver much-needed tax reform for families and small businesses. Yesterday, Senators, members of the administration, and tax reform advocates met here in the Capitol to discuss a mutual vision for relief. They shared the goals of simplicity, fairness and economic growth.

"These are the same goals that I have. They're the same goals the House wrote into its legislation. They're the same goals the president asked us to consider. And – most importantly – they are the goals shared by many Americans across the political spectrum. So we're working together to get this done. This is a once-in-a-generation opportunity, and it will help us create jobs and boost the economy while closing special-interest loopholes at the same time. We can do all of this through tax reform.

"Today, the House Ways and Means Committee will continue to markup its legislative proposal for tax reform. I would like to once again commend Chairman Brady for his good work on the House plan. The hearings this week are building momentum to accomplish our goals for the American people.

"Soon, the Senate Finance Committee will release its own plan for tax reform. Working through an open committee process, the committee will ultimately bring tax reform legislation to the Senate floor. I am grateful to Chairman Hatch for his continued leadership of the Finance Committee.

"As we continue to advance tax reform, I urge our Democratic colleagues to join us. In recent years, many prominent Senate Democrats have expressed support for tax reform. Since then, the need for tax reform hasn't changed. The American people haven't stopped hurting either. The only thing that changed was the president.

"I hope that our colleagues will put partisanship aside and work with us in a serious way to help us deliver real relief to families. I hope they will help us take more money out of Washington's pockets and put more money in the pockets of the middle class. That's the aim of this tax reform effort, and we're going to keep working until we accomplish it."

###

Message

From: Bowman, Liz [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]
Sent: 11/8/2017 9:03:59 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: FW: Wheeler comments on Murray coal plan, DOE NOPR

HI Andrew – Can you provide some more information on the following? I am not familiar with this issue.

From: Gavin Bade [mailto:gavin@industrydive.com]
Sent: Wednesday, November 8, 2017 2:46 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Wheeler comments on Murray coal plan, DOE NOPR

Hi Liz,

Gavin here from Utility Dive. Good to meet you in person at the hearing today.

I wanted to follow up on Andrew Wheeler's comments regarding Murray Energy's plan submitted to the White House and the meetings Wheeler attended to apply its recommendations to what eventually became the DOE's cost recovery NOPR.

In general, our audience would appreciate some more detail about Wheeler's involvement in the process that crafted the NOPR. I'm particularly interested in the two meetings — one on the Hill and one at DOE — regarding the NOPR. Who was present in those meetings, what was discussed, and when did they take place?

I know the power sector executives that read UD each day would consider this critical information about a major market reform proposal and their potential new regulator. Any guidance on his involvement would be appreciated.

Sens. Carper and Whitehouse also told me they would push Wheeler for more details on these matters in their questions submitted for the record. If you cannot provide more detail now, can you indicate if Wheeler will elaborate on his involvement in those responses?

Thanks a million. I need to get a post up this afternoon but am happy to update with any EPA comment before 9 a.m. tomorrow so it can make it into the AM newsletter. Always reachable at Ex. 6

Best,

Gavin Bade

--
Gavin Bade
Senior Reporter
UtilityDive.com
gavin@industrydive.com

Message

From: Wehrum, William L. [wwehrum@hunton.com]
Sent: 11/8/2017 6:26:31 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: RE: Availability next week

No problem. Thanks.

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
Sent: Wednesday, November 08, 2017 1:07 PM
To: Lyons, Troy
Cc: Wehrum, William L.; Palich, Christian; Ringel, Aaron; Frye, Tony (Robert); Gunasekara, Mandy
Subject: Re: Availability next week

Deliberative Process / Ex. 5

Sent from my iPhone

On Oct 28, 2017, at 4:29 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Thanks, Bill.

Deliberative Process / Ex. 5

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 cell)

Sent from my iPhone

On Oct 28, 2017, at 2:19 PM, Wehrum, William L. <wwehrum@hunton.com> wrote:

I'm generally available, except for Wednesday. I will be traveling that day.

On Oct 28, 2017, at 12:32 PM, Lyons, Troy <lyons.troy@epa.gov<mailto:lyons.troy@epa.gov>> wrote:

Bill-what is your availability next week to visit w off committee Senators?

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 (cell)

Sent from my iPhone

Message

From: Frye, Tony (Robert) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=58C08ABDFC1B4129A10456B78E6FC2E1-FRYE, ROBER]
Sent: 1/25/2018 10:02:32 PM
To: Andrew.Wheeler@FaegreBD.com
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: Biographical Sketch

Hey Andrew – Thanks for coming in today. Below, I have included the outline of the document from our conversation. Feel free to add your thoughts and we'll combine our work to make sure it is as robust as possible. Have a great day.

Best,
Tony

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tony Frye
Special Assistant
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Phone: 202.564.0640
Cell: Ex. 6

Message

From: Wehrum, William L. [wwehrum@hunton.com]
Sent: 11/8/2017 5:57:31 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]
Subject: RE: Vote

Thanks.

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Wednesday, November 08, 2017 12:16 PM
To: Wehrum, William L.
Cc: Lyons, Troy; Ringel, Aaron
Subject: Vote

Just to update you Bill it looks like your vote will be mid day tomorrow. Will let you know if we hear a more exact time.

See you later at the Manchin meeting.

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations

Ex. 6

Sent from my iPhone

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/8/2017 5:29:16 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Sent from my iPhone

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 10/30/2017 3:23:03 PM
To: Andrew.Wheeler@FaegreBD.com
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Rodrick, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6515dbe46dae466da53c8a3aa3be8cc2-Rodrick, Ch]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: Questions Deliberative Process / Ex. 5

Andrew—the team has done a fantastic job putting questions together for Friday's murder board.

Deliberative Process / Ex. 5

We are happy to chat offline, but wanted to put on your radar.

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 cell)

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 10/16/2017 10:40:17 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: RE: Nomination Timeline

Hi Andrew- Updated schedule. I've tracked down most of the staffer's names. And I think I added you to all of the invites but let me know if you think you are missing any.

Senate Confirmed Nominee Line by Line

Week of October 16th

Tuesday, Oct 17

11:00 AM: Meeting with Senator Fischer
Location: 454 Russell
Staffer: Jessica Clowser

2:30 PM: Meeting with Senator Duckworth
Location: Hart 524
Staffer: Radha Adhar

3:30 PM: Meeting with Chairman Barrasso
Location: Dirksen 307
Staffer: Richard Wheeler

Wednesday, Oct 18

11:30 AM: Meeting with Senator Markey
Location: 255 Dirksen
Staffers: Avenel Joseph and Morgan Gray

2:30 PM: Meeting with Senator Inhofe
Location: 205 Russell
Staffers: Jennie Wright and Luke Holland

3:30 PM: Meeting with Senator Capito
Location: Russell 172
Staffer: Travis Cone

Thursday, Oct 19

9:30 AM: Meeting with Senator Boozman
Location: Hart 141
Staffers: Joe Brown and Jimmy Harris

2:30 PM: Meeting with Senator Whitehouse
Location: Hart 530
Staffer:

3:30 PM: Meeting with Senator Sullivan
Location: 702 Hart
Staffer: Pierce Wiegard

Tuesday, Oct 24

5:30 PM: Meeting with Senator Merkley
Location: Hart 313
Staffer:

Kaitlyn Shimmin
Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
O: (202) 564-4108
C: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Palich, Christian
Sent: Monday, October 16, 2017 10:04 AM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Cc: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: RE: Nomination Timeline

Hi Andrew,

Hope you had a great weekend, look forward to seeing you today. When you arrive at north building lobby please call Tony Frye at Ex. 6 and he will come down to bring you up.

Best Regards,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Shimmin, Kaitlyn
Sent: Friday, October 13, 2017 5:24 PM
To: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>
Subject: RE: Nomination Timeline

Andrew, Below are your meetings with EPW Members for next week. I will keep continue to keep you updated as I'm sure there will be changes.

Monday, Oct 16

2:45 PM: Meeting with OCIR Staff
Location: 3426 William Jefferson Clinton North

Tuesday, Oct 17

11:00 AM: Meeting with Senator Fischer
Location: 454 Russell

2:30 PM: Meeting with Senator Duckworth
Location: Hart 524

3:30 PM: Meeting with Chairman Barrasso
Location: Dirksen 307

4:30 PM: Meeting with Senator Markey
Location: 255 Dirksen

Wednesday, Oct 18

3:30 PM: Meeting with Senator Capito
Location: Russell 172

Thursday, Oct 19

2:30 PM: Meeting with Senator Whitehouse
Location: Hart 530

3:30 PM: Meeting with Senator Sullivan
Location: 702 Hart

Kaitlyn Shimmin
Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
O: (202) 564-4108
C: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, October 13, 2017 1:50 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>
Subject: Re: Nomination Timeline

Thank you. Deliberative Process / Ex. 5

Sent from my iPhone

On Oct 13, 2017, at 1:20 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

> Andrew—I wanted to provide you with an update on your confirmation process. Please let us know if we have missed any items in our list below or you need additional information.
>
> **HOUSEKEEPING ITEMS**

Deliberative Process / Ex. 5

TIMING

Deliberative Process / Ex. 5

SCHEDULE

October 16: Meeting with OCIR Staff— Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

October 17: Begin Meetings with EPW— Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

October 23: Program Briefings— Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

October 24: Murder Board and Debrief— Deliberative Process / Ex. 5

November 1: TENTATIVE Confirmation Hearing

POST HEARING TIMING

Deliberative Process / Ex. 5

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 cell)

Message

From: andrew wheeler Ex. 6
Sent: 1/4/2018 4:50:27 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; andrew.wheeler@faegrebd.com
Subject: Committee Letter
Attachments: CommitteeLetter1-4-18.docx

Christian, let me know if this needs to be changed.

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 10/16/2017 8:07:57 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: Meeting with Merkley

yes

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
Sent: Monday, October 16, 2017 4:03 PM
To: Wheeler, Andrew R.
Cc: Palich, Christian
Subject: Meeting with Merkley

Andrew, would you be available on Tuesday Oct. 24th at 5:30 PM for a meeting with Merkley?

Kaitlyn Shimmin
Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
O: (202) 564-4108
C: Ex. 6
Shimmin.Kaitlyn@epa.gov

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 1/25/2018 7:25:33 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: Downstairs

Sent from my iPhone

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 10/25/2017 3:07:03 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: RE: is the 8th confirmed now?

Ok, **Deliberative Process / Ex. 5**

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Wednesday, October 25, 2017 10:59 AM
To: Wheeler, Andrew R.
Cc: Lyons, Troy
Subject: RE: is the 8th confirmed now?

As of yesterday EPW said 8th is 100% the day.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Wednesday, October 25, 2017 10:57 AM
To: Palich, Christian <palich.christian@epa.gov>
Subject: is the 8th confirmed now?

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: + Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Wehrum, William L. [wwehrum@hunton.com]
Sent: 9/15/2017 8:08:44 PM
To: Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: QFRs

Gentlemen – Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

HUNTON & WILLIAMS

Bill Wehrum
Partner
wwehrum@hunton.com
p 202.955.1637
bio | vCard | blog | LinkedIn

Hunton & Williams LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037

hunton.com

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 10/12/2017 5:56:06 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: Re: On the following week

Perfect

Sent from my iPad

> On Oct 12, 2017, at 1:08 PM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:
>
> How about 2:45 PM on Monday the 16th?
>
>
> Kaitlyn Shimmin
> Special Assistant Congressional and Intergovernmental Affairs
> Office of the Administrator
> U.S. Environmental Protection Agency
> 1200 Pennsylvania Ave., N.W.
> Washington, D.C. 20460
> O: (202) 564-4108
> C: Ex. 6
> Shimmin.Kaitlyn@epa.gov
>
> -----Original Message-----
> From: Palich, Christian
> Sent: Thursday, October 12, 2017 1:01 PM
> To: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
> Cc: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
> Subject: RE: On the following week
>
> No problem Andrew! CCing Kaitlyn as well to help us find a time for you to come in on Monday.
>
> Thank you,
>
> Christian R. Palich
> Deputy Associate Administrator
> Office of Congressional & Intergovernmental Affairs U.S Environmental Protection Agency
> O: 202.564.4944
> C: Ex. 6
> E: Palich.Christian@epa.gov
>
> -----Original Message-----
> From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
> Sent: Thursday, October 12, 2017 12:59 PM
> To: Palich, Christian <palich.christian@epa.gov>
> Subject: On the following week
>
> Every day is fine, I just need to end on that Thursday, the 26th, by 5:00.
>
> Sent from my iPhone

Message

From: Leggett, Matt (EPW) [Matt_Leggett@epw.senate.gov]
Sent: 10/16/2017 4:33:49 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: Where is Wheeler from in Virginia? McLean?

Thank you.

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Monday, October 16, 2017 12:27 PM
To: Lyons, Troy <lyons.troy@epa.gov>; Leggett, Matt (EPW) <Matt_Leggett@epw.senate.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: RE: Where is Wheeler from in Virginia? McLean?

Ex. 6

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: + Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Monday, October 16, 2017 12:26 PM
To: Leggett, Matt (EPW); Palich, Christian
Cc: Wheeler, Andrew R.
Subject: RE: Where is Wheeler from in Virginia? McLean?

Andrew—please see the question below from EPW

From: Leggett, Matt (EPW) [mailto:Matt_Leggett@epw.senate.gov]
Sent: Monday, October 16, 2017 12:18 PM
To: Palich, Christian <palich.christian@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: Where is Wheeler from in Virginia? McLean?

I need his current residence – city and state – for the memo for tomorrow's meeting.

Matt Leggett
Chief Counsel
Ex. 6
--
U.S. Senate Committee on Environment and Public Works
Senator John Barrasso, Chairman

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 3/23/2018 11:54:39 AM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Re: Great News

Thank you both!

Sent from my iPhone

On Mar 23, 2018, at 7:37 AM, Palich, Christian <palich.christian@epa.gov> wrote:

> Late last night the Leader filed Cloture on you getting you in the line for confirmation after Easter break.
>
> Almost there Andrew! We will keep you updated as we hear more about when the floor time clock will start on you.
>
> Have a terrific weekend.
>
> Christian R. Palich
> Deputy Associate Administrator
> Office of Congressional Affairs
> C: Ex. 6
>
> Sent from my iPhone

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 11/6/2017 4:25:06 PM
To: Bodine, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8c2cc6086fcc44c3be6b5d32b262d983-Bodine, Sus]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: RE: Talking Points

Deliberative Process / Ex. 5

From: Bodine, Susan
Sent: Monday, November 6, 2017 11:24 AM
To: Lyons, Troy <lyons.troy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Talking Points

Deliberative Process / Ex. 5

From: Lyons, Troy
Sent: Monday, November 6, 2017 11:18 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Talking Points

See my addition in yellow re: **Deliberative Process / Ex. 5**

From: Bodine, Susan
Sent: Monday, November 6, 2017 8:15 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Cc: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: Talking Points

These look good

From: Bowman, Liz
Sent: Sunday, November 5, 2017 8:40 PM
To: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Subject: Talking Points

DRAFT – DELIBERATIVE – NOT FOR PUBLIC DISTRIBUTION

Below, please find some talking points that may be helpful in responding to some potential questions this week. I am also copying Susan, as I feel like **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 I can be reached at Personal Phone / Ex. 6

Thank you – Liz

Topline Messages: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Liz Bowman
U.S. Environmental Protection Agency (EPA)
Office: 202-564-3293

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 10/21/2017 12:01:18 AM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: RE: Draft Opening Statement -- Wheeler

Very nice. You're a pro. Eager to get you in the building.

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, October 20, 2017 4:50 PM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Draft Opening Statement -- Wheeler

Attached is my draft opening statement. Please let me know your thoughts.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Ex. 6 F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/1/2017 8:30:14 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: Re: Health Effects Institute

Deliberative Process / Ex. 5

Sent from my iPad

On Nov 1, 2017, at 4:25 PM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Kaitlyn Shimmin
Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
O: (202) 564-4108
C: Ex. 6
Shimmin.Kaitlyn@epa.gov

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 11/6/2017 1:24:15 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Re: Monday meeting?

Okay so 2:30 today instead of 2:30 tomorrow. Got it!

Sent from my iPhone

On Nov 6, 2017, at 7:40 AM, Palich, Christian <palich.christian@epa.gov> wrote:

> It is, they decided to have Andrew and Kathleen do the meeting together. Sorry for the confusion.
>
> Christian R. Palich
> Deputy Associate Administrator
> Congressional & Intergovernmental Relations
> **Ex. 6**
>
> Sent from my iPhone
>
> On Nov 6, 2017, at 7:39 AM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:
>
>> Christian can you double check with them that it is different from this meeting? That Beth set up. Thanks!
>>
>> <image1.PNG>
>>
>> Sent from my iPhone
>>
>> On Nov 3, 2017, at 8:41 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:
>>
>>> I already have one on my calendar for Tuesday for 2:30, but I can do Monday at 2:30. I have a noon meeting with toxics on Monday.
>>>
>>> Sent from my iPhone
>>>
>>> On Nov 3, 2017, at 5:37 PM, Palich, Christian <palich.christian@epa.gov> wrote:
>>>
>>>> Do one of these times work Monday for you Andrew?
>>>>
>>>> Have a great weekend!
>>>>
>>>> Christian R. Palich
>>>> Deputy Associate Administrator
>>>> Congressional & Intergovernmental Relations

Ex. 6

Sent from my iPhone

Begin forwarded message:

From: "Leggett, Matt (EPW)" <Matt_Leggett@epw.senate.gov>
Date: November 3, 2017 at 5:18:51 PM EDT
To: "Viktoria Seale (viktoria.z.seale@ceq.eop.gov)" <viktoria.z.seale@ceq.eop.gov>, "Palich, Christian" <palich.christian@epa.gov>
Cc: "Lyons, Troy" <lyons.troy@epa.gov>, "mary.b.neumayr@ceq.eop.gov" <mary.b.neumayr@ceq.eop.gov>, "Trenti, Beth (EPW)" <Beth_Trenti@epw.senate.gov>
Subject: Monday meeting?

Hi Viktoria and Christian,

We were wondering if you all would like to bring in Ms. White and Mr. Wheeler to meet with majority staff and majority subcommittee staff directors on **Monday at 12 noon or 2:30?** This would be one final meeting to go over the hearing, have an informal q&a, and get the subcommittee staff directors focused and involved. Are you and the nominees available to meet at EPW at either of those times?

Best,

Matt

Matt Leggett
Chief Counsel
Ex. 6
U.S. Senate Committee on Environment and Public Works
Senator John Barrasso, Chairman

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/1/2017 7:52:56 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: Re: EPW Meeting

Thank you

Sent from my iPhone

On Nov 1, 2017, at 3:41 PM, Palich, Christian <palich.christian@epa.gov> wrote:

> Done!
>
> Christian R. Palich
> *Deputy Associate Administrator*
> *Office of Congressional & Intergovernmental Affairs*
> *U.S Environmental Protection Agency*
> *O: 202.564.4944*
> *C:* Ex. 6
> *E: Palich.Christian@epa.gov*
>
> ---
>
> **From:** Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
> **Sent:** Wednesday, November 1, 2017 3:40 PM
> **To:** Palich, Christian <palich.christian@epa.gov>
> **Subject:** Re: EPW Meeting
>
> Yes please. I have a 1:00 appt. I don't want to cut the meeting short
>
> Sent from my iPhone
>
> On Nov 1, 2017, at 3:27 PM, Palich, Christian <palich.christian@epa.gov> wrote:
>
>> It's the meeting with all the LA's, Richard, and EPW staff. Would you rather do 2:30pm Andrew? We can move it.
>>
>> Christian R. Palich
>> *Deputy Associate Administrator*
>> *Office of Congressional & Intergovernmental Affairs*
>> *U.S Environmental Protection Agency*
>> *O: 202.564.4944*
>> *C:* Ex. 6
>> *E: Palich.Christian@epa.gov*

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/1/2017 5:16:35 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: have they noticed the hearing yet?

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: + Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/21/2017 5:56:39 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: Re: question about the Wheeler qfr

Based upon my discussions with the career ethics officials, the look back period for lobbying activities is two years. I did not work on litigation for either regulation. I've not lobbied in the last two years on MATS and my only lobbying activity for CPP was in support of the CRA vote in the Senate. It's my understanding from the career officials that I could not work on the CPP regulation, but I could work on its successor.

Sent from my iPad

On Nov 21, 2017, at 12:15 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

> Andy—please take a look at the question below from EPW.
>
> **From:** Freedhoff, Michal (EPW) [mailto:Michal_Freedhoff@epw.senate.gov]
> **Sent:** Tuesday, November 21, 2017 11:55 AM
> **To:** Lyons, Troy <lyons.troy@epa.gov>
> **Cc:** Gillam, Laura Haynes (EPW) <Laura_Gillam@epw.senate.gov>; Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>
> **Subject:** question about the Wheeler qfr
>
> Hi Troy and hope all is well
>
> We are reviewing the Wheeler qfr responses and have a follow-up question or two.
>
> In a response to Senator Carper, he said that "**To the best of my recollection I only worked in opposition to two Clean Air Act regulations during the Obama Administration, MATS and CPP. I did not fully review any of the other regulations and therefore cannot provide an opinion on them."**
>
> In a subsequent response to Senator Whitehouse, he said, in response to a question about whether he would recuse himself from participating in issues on which he worked against EPA in the past, **"I will follow the advice and guidance of the career EPA ethics officials and if a waiver is necessary I will make the waiver publicly available. However, based on preliminary discussions with the career ethics officials, I do not anticipate that a waiver will be necessary however, if one is needed I will make it public."**
>
> We are trying to understand these two statements taken together and are hoping you can help –
>
> 1) <!--[if !supportLists]--><!--[endif]-->When, and for which client(s), did he work against MATS and CPP?
> 2) <!--[if !supportLists]--><!--[endif]-->What did he do on these issues? Lobby? Assist with the preparation of litigation against EPA? File or write comments? Something else?
> 3) <!--[if !supportLists]--><!--[endif]-->Does he not expect to need a waiver because he does not expect to work on these issues? If there is some other reason, what is it?

Thanks (and have a great Thanksgiving)
Michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight
Committee on Environment and Public Works Democratic Staff

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 10/31/2017 8:45:49 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: RE: Resume
Attachments: Wheeler Andrew - CV.DOC

Christian, see attached.

Kaitlyn Shimmin
Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
O: (202) 564-4108
C: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Palich, Christian
Sent: Tuesday, October 31, 2017 4:45 PM
To: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Cc: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: Resume

Hi Andrew,

Do you have a resume you can send over? Deliberative Process / Ex. 5

Thanks!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Andrew R. Wheeler

Ex. 6 • (c) Ex. 6 (h) Ex. 6

MANAGEMENT & POLICY EXPERIENCE

Trump Campaign
Policy Staff July 2016 –

- One of Two Policy Staff responsible for environmental, energy, agriculture, transportation and telecommunications policy.
- Drafted talking points for speeches, debate preparation, and policy documents.

FaegreBD Consulting Washington, D.C.
Principal, Team Leader ***Energy and Environment Practice*** 2009 – present

- Serves as a Principal in a national consulting and government relations firm, assisting clients with federal regulatory and legislative issues. Provided business consulting, conducted federal affairs assessments and direct advocacy services for clients.
- Worked on behalf of business clients, local governmental bodies and not-for-profit organizations.
- Focused extensively on national energy, climate change, and environmental issues including fuels policies, air regulations, and coal issues.
- Team Leader of nine person team since 2014.
- *Of Counsel* with Faegre Baker Daniels Law Firm.
- Co-Chair of firm-wide Energy and Natural Resources Industry Team (50+ attorneys) since 2016.

U.S. Senate Committee on Environment and Public Works (EPW) Washington, D.C.
Staff Director and Chief Counsel 2002 – 2009

- Served as both Staff Director (Chief of Staff) and Chief Counsel for one of eight authorizing committees in the United States Senate formulating and executing the legislative, oversight, policy and public outreach agenda
  - Jurisdiction encompasses seven Cabinet level departments and agencies
  - Responsible for the Senate confirmation of 52 Presidential nominated positions
  - Policy and procedural advice to members of the Committee and other Senators
  - Chief Liaison to Senate and House Leadership and the White House
- Direct Management:
  - Multi-layered policy and communication/public affairs organization
  - Develop and implement long-term strategic plan while also responding to time sensitive demands
  - More than 30 professional staff, additional responsibility of budget and administration of 60 staff
- Legislative, Policy and Subject Matter Responsibilities:
  - Managed the Senate floor debate and strategy for the Lieberman/Warner Climate Change Bill and other greenhouse gas and carbon constraint technology related legislation
  - Highway Bill reauthorization with over $286 Billion in transportation funding in 2005.
  - Power plant multi-emissions (Clear Skies Act) and Clean Air Interstate Rule (CAIR)
  - Energy Policy Act of 2005 and 2007 with emphasis on Renewable Fuels Standard (RFS)
  - Policy and legislation involving offshore oil reserves, alternative fueled vehicles, biofuels, oil shell, tar sands, and the renewable portfolio standard
  - Work extensively with regulatory agencies such as the Environmental Protection Agency, Nuclear Regulatory Commission, and the Departments of Energy, Transportation, and Interior
- Public Communication:
  - Deliver public policy speeches to various organizations including the American Bar Association and various trade associations and industry conventions

Sierra Club v. EPA 18cv3472 NDCA Tier 1 ED_002061_00152365-00001

- Conduct press interviews and media availabilities including on camera interviews
- Advocacy of Committee positions within Congress, the Administration and the general public
- Recognized by *National Journal* as one of the Top Congressional Staff Leaders for 2005

U.S. Senate Subcommittee for Clean Air, Wetlands and Nuclear Safety Washington, D.C.
Staff Director and Counsel *1997-2002*

- Served under the Chairmanships of both Senators Jim Inhofe (R-OK) and George Voinovich (R-OH)
  - Drafted and negotiated legislation involving clean air issues, nuclear energy, and FEMA
  - Developed policy on full range of energy and environmental issues
  - Organized over 30 Subcommittee oversight and legislative hearings
- Represented the Subcommittee to constituents, outside lobbyists, and Executive Branch employees
- Guided numerous bills through the Committee, Senate floor, and conference committee process

Office of United States Senator James Inhofe Washington, D.C
General Counsel 1995-1996

- Lead staff person for Commerce and Judiciary issues
- Managed Senator's agenda on environmental issues before the Environmental and Public Works Committee (Superfund, Safe Drinking Water Act, Clean Air Act, and Resources Conservation Recovery Act)

United States Environmental Protection Agency (EPA) Washington, D.C.
Special Assistant, Information Management Division, 1991-1995
Office of Pollution Prevention and Toxics

- Reported to Division Director and worked as liaison to other Divisions and Offices within the EPA and outside constituent groups
- Coordinated Division working groups and special projects including annual conference attended by over 500 participants
- Worked on the Toxic Release Inventory and the Toxic Substances Control Act

ACTIVITIES & AWARDS

- National Energy Resources Organization, former President and Chairman
- Washington Coal Club, President 2016
- John C. Stennis Congressional Staff Fellow – 106th Congress
- EPA Bronze Medal – 1993, twice in 1994
- Phi Delta Phi
- Alpha Chi Sigma, President – 1986
- Eagle Scout

EDUCATION

George Mason University School of Business, M.B.A. May, 1998
Washington University School of Law, J.D. May, 1990
Member - District of Columbia Bar
Case Western Reserve University, B.A. May, 1987
Major: English, Biology

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 10/10/2017 4:32:20 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: RE: EPW Questionnaire
Attachments: EPWWheelerForm.pdf

attached

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: +1 Ex. 6 F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Tuesday, October 10, 2017 11:54 AM
To: Wheeler, Andrew R.
Cc: Lyons, Troy
Subject: EPW Questionnaire

Hi Andrew,

Deliberative Process / Ex. 5

Hope you had a great weekend!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS

ROOM 410 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, DC 20510

INFORMATION

REQUESTED OF PRESIDENTIAL
NOMINEES

In order to assist the Committee in its consideration of nominations, each nominee is requested to complete the attached Statement for completion by Presidential Nominees. The Statement is intended to be publicly available. In the event that a nominee asks that a specific answer be kept confidential, he or she should notify the Chairman and Ranking Member.

The original and forty (40) copies of the requested information should be made available to the Honorable John Barrasso, Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC 20510 (Attn: Matt Leggett) as soon as possible.

Name of Nominee: Andrew R. Wheeler

Position to which nominated: Deputy Administrator, EPA

Date of Nomination: 10-5-2017

Business Name: Faegre Baker Daniels

Business Address: 1050 K Street, NW Suite 400

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

City, State & Zip: Washington, D.C. 20001

Business E-mail: Andrew.Wheeler@faegrebd.com

Business Phone: 202-312-7424

Full Legal Name: **Andrew Ronald Wheeler**

Date of birth: Ex. 6

State of residency: Virginia

Education:

Institution	Dates Attended	Degrees Received	Dates of Degrees
Case Western Reserve University	1983-1987	B.A.	1987
Washington University School of Law	1987-1990	J.D.	1990
George Mason University Business School	1993-1998	M.B.A.	1998

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Employment Record

List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances. Attach additional pages if necessary.

Position Title	Employer	Address	Dates	Terminated (Y/N)
Principal	Faegre Baker Daniels, LLC	1050 K Street NW Washington DC	1/09 - present	No
Republican Staff Director/Chief Counsel	U.S. Senate EPW Committee	406 Dirksen Senate Office Building	1/03 – 1/09	No
Clean Air Subcommittee Staff Director	U.S. Senate EPW Committee	406 Dirksen Senate Office Building	1/97 – 1/03	No
General Counsel	Office of Senator Jim Inhofe	456 Russell Senate Office Building	12/95-1/97	No
Environmental Protection Specialist	U.S. EPA	Waterside Mall	6/91 – 12/95	No

Honors and Awards:

List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognition for outstanding service or achievement. Attach additional pages if necessary.

Date	Honor/Award
2005	*National Journal* — One of the Top Congressional Staff Leaders
106th Congress	John C. Stennis Congressional Staff Fellow
1994	EPA Bronze Medal: For Expanding the Scope and Impact of the Toxic Release Inventory Program

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

1994	EPA Bronze Medal: For the Development of the TSCA 8(e) CAP Information Product
1993	EPA Bronze Medal: For Outstanding Support for the Agency IRM Planning and Budgeting Process

Memberships:

List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations. Attach additional pages if necessary.

Organization	Office held (if any)	Dates
NERO	Chairman, President, VP	2009-present
Washington Coal Club	President	2016

Qualifications:

State fully your qualifications to serve in the position to which you have been nominated.

I have spent over twenty-five years working in the environmental field. I started my career as a career employee of the EPA in 1991, worked in the U.S. Senate for fourteen years, and have spent the last eight years as a consultant/lobbyist for a large variety of energy and environmental clients. This has given me a unique perspective of both the Executive and Legislative branches. On the management side, I have an M.B.A. and I managed over thirty staff as the Staff Director of EPW.

I am an avid outsdoorsman, camping, hiking and also an Eagle Scout. I believe in a clean environment, clean air and clean water. I will work with Administrator Pruitt and the staff of the EPA, both political and career, to ensure that the mission of the agency and the laws of our country are upheld and followed. I respect the career employees of the agency, and if I am confirmed I hope to earn their respect.

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.
__X__Yes.

____ No. If not, please explain:

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

____ Yes. If so, please explain:

__X__ No.

3. Has anybody made a commitment to you for a job after you leave government?

____ Yes. If so, please explain:

__X__ No.

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

____ Yes.

____ No.

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

____ Yes. If so, please explain:

__X__ No

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

Financial Statement:

Note: The Office of Government Ethics will provide the Committee with a copy of your Executive Personnel Financial Disclosure Report (SF-278).

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF-278, Schedule A.

The only additional amount would be my firm's contribution to my retirement account for 2017, which is generally paid in early 2018. This is a straight percentage of my salary and the amount has already been set.

2. Are any assets pledged?

____ Yes. If so, please explain:

_X___ No

3. Are you currently a party to any legal action?

____ Yes. If so, please explain:

__X__ No

4. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.

__X__ Yes

____ No. If not, please explain:

5. Has the Internal Revenue Service ever audited your Federal tax return?

____ Yes. If so, what resulted from the audit?

__X__ No

Potential conflicts of interest:

1. Describe any financial or deferred compensation agreements or other continuing of interest: dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

I have no financial or deferred compensation agreements except for my firm's retirement fund contribution for 2017 which is supposed to be paid in early 2018. It is a specific percentage of my 2017 salary. Therefore there are no policy issues which would affect the contribution.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

I have no investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest.

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

I have been a registered lobbyist for almost nine years, representing a number of companies and entities before Congress and some Federal agencies and Departments.

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

Following the Trump ethics pledge I will be recusing myself from contact with my firm and my clients from the past two years.

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

I have had several conversations with the EPA ethics officials and will continue to have regular discussions with them to ensure that I am in full compliance with the law and my pledge. Se attached.

Political affiliation and activities:

List all memberships and offices held in, or financial contributions (in excess of $1,000), and services rendered to any political party or election committee during the last 10 years.

Membership/Office/Political Party	**Dates**	**Amount (if applicable)**
Senator Cory Gardner - Project West PAC	03/14/2017	$1500.00
Fairfax County Poll Observer – Rep Party	11/08/2016	N/A

Trump Campaign Policy Staff – Energy and Environmental issues	7/2016 – 11/2016	N/A – volunteer position
Senator Cory Gardner - Project West PAC	04/27/2016	$2,500.00
Rubio Campaign Policy Advisor	2/2016-3/2016	N/A – volunteer position
Gillespie Campaign Day Volunteer Worker	11/04/14	N/A
Gillespie Delegate at Fairfax and Virginia State GOP Conventions	March and June 2014	N/A
Gardner for Senate	03/27/2014	$1,000.00
Boehner for Speaker	07/18/2013	$1,500.00
Friends of Jim Inhofe	06/11/2013	$1,000.00
Romney Ohio Voter Drive	11/03-06/2012	N/A
George Allen for US Senate	07/25/2012	$1,000.00
Romney Victory Inc	09/24/2012	$1,000.00
Citizens for Josh Mandel	10/02/2012	$1,000.00
Romney for President	02/08/2012	$2,500.00
Senator Jim Inhofe -Fund for a Cons. Future	03/01/2012	$1,000.00
Romney Victory	04/26/2012	$2,000.00
Boehner for Speaker	06/25/2012	$1,000.00
Romney Volunteer Policy Advisor	2/2012 – 11/2012	N/A
Senator Jim Inhofe -Fund for a Cons. Future	04/05/2011	$1,000.00
Stivers for Congress	05/31/2011	$1,000.00
Arlington County Election Day Voter Drive	11/02/2010	N/A
Stivers for Congress	03/03/2010	$1,000.00
Gardner for Congress	06/22/2010	$1,000.00
Senator Jim Inhofe -Fund for a Cons. Future	06/25/2009	$1,000.00
Arlington County Election Day Voter Drive	11/04/2008	N/A

Published writings:

List the titles, publishers and dates of any books, articles, or reports you have written.
(Please list first any publications and/or speeches that involve environmental or related matters.)

Presentations

- **The Global Transition to a New, Enhanced Energy Future**
  Institute of Clean Air Companies 2017 Clean Air Summit; Arlington, VA, May 3, 2017
- **How to Conduct Congressional Oversight**
  The Bipartisan Policy Center, Senate Legislative Director Retreat, 2017

- **Preparing for the New Administration**
  The Business Council for Sustainable Energy, 2017
- **What Does a New Congress and New Administration Bring to Environmental Policy?**
  2016 Indiana Environmental Conference, Indiana Chamber of Commerce, 2016
- **National and Local Perspectives of Water**
  2016 Minnesota Water Technology Summit, 2016
- **The Air Up There: Developments and Opportunities for Clean Air, Coal, Energy and Climate**
  IU McKinney School of Law's Eighth Annual Environment, Energy & Natural Resources Symposium, March 6, 2016
- **Preparing for the Change in Administration**
  Senate Western Caucus, Washington, D.C., February 5, 2016
- **U.S. Energy Panel: How Reliable Will the Provision of Electricity Be Following the EPA Clean Power Plan?**
  Panelist, 16th Coaltrans USA Conference, January 29, 2016
- **Prospects for Energy & Environmental Policy in 2014**
  Moderator, Energy & Environmental Symposium: A Conversation with National Stakeholders, Washington, D.C., March 2014
- **Beltway Perspectives: Legal Issues and Policy Priorities for 2014**
  Panelist, ABA 21st Fall Conference on the Environment, October 10, 2013
- **Developments in U.S. Energy Production and the Implications for Global Trade**
  Panelist, America's Energy Exports, U.S. Chamber of Commerce, January 16, 2013
- **Focusing on What Really Should Be Debated: The Cases of Boiler Mact, Utility Mact and CSPAR**
  ABA's 40th National Spring Conference on the Environment, Baltimore, Maryland, June 1, 2012
- **The Clean Air Act: A View from the Capitol**
  ALI-ABA Clean Air Conference, Washington, D.C., December 2, 2011
- **View From the Capitol: New Legislative Developments**
  ALI-ABA Clean Air Course, Washington, D.C., December 3, 2010
- **Election Preview 2010**
  RISE Annual Meeting, Jacksonville, Florida, September 10, 2010
- **U.S. Politics and Implications for Asia in the North American GHG Market**
  Carbon Forum Asia, Singapore, October, 27, 2009
- **National Outlook for Comprehensive Energy Reform and Climate Change**
  Oklahoma Independent Petroleum Association, Tulsa, Oklahoma, September 26, 2009
- **Domestic and International Implications of Climate Policy**
  Indiana Energy Association, Indianapolis, September 24, 2009

- **Maximizing the Benefits of the Energy Efficiency and Conservation Block Grant Program: Why You Need a Conservation Plan**
  Webinar, August 4, 2009
- **The Waxman-Markey American Clean Energy and Security Act: Cap-and-Trade**
  Webinar, Washington, D.C., April 22, 2009
- **Emerging Federal Energy Policy and the American Recovery and Reinvestment Act: What's in It for Indiana?**
  Indiana State Bar Association, Indianapolis, April 17, 2009
- **Energy Efficiency, Design, Construction, LEED & Green Projects: The Stimulus Does It All**
  Webinar, April 9, 2009
- **Climate Change and the Law: Congressional Developments**
  Webinar, Washington, D.C., April 3, 2009
- **Navigating the New Washington**
  Federal Economic Development Forum IEDC, Alexandria, Virginia, March 15, 2009
- **The American Recovery and Reinvestment Act: Energy and Environment Provisions**
  Educational Association of University Centers, Washington, D.C., March 9, 2009
- **Water Conservation: Your Business, Your Role -- A D.C. Perspective**
  Indianapolis Chamber of Commerce and the Green Street Institute, Indianapolis, March 6, 2009
- **The American Recovery and Reinvestment Act's Energy and Climate Change Provision**
  B&D Consulting and Baker & Daniels Webinar, Washington, D.C., February 24, 2009
- **Congressional Developments and the New Administration**
  ALI-ABA Environmental Law Course, Bethesda, Maryland, February 5, 2009

Published Articles

- **What To Expect From Trump's Environmental Policies**
  Author, *Law360*, November 2016
- **PURPA Changed Could Shake Up Clean Energy Market**
  Co-author, *Law360*, September 2016
- **Keystone XL Will Shape Energy Debate For 114th Congress**
  Co-author, *Law360*, February 2015
- **EPA Delay On Renewable Fuel Puts Ball In Congress' Court**
  Co-author, *Law360*, January 2015
- **As Climate Changes So Does Focus On Methane Emissions**
  Co-author, *Law360*, September 2014

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Additional Matters:

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

2. Do you agree to appear before all Congressional Committees which seek your testimony?

__X__ Yes

____ No. If not, please explain:

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

___ Yes. If so, please explain:

__X__ No

AFFIDAVIT

Andrew Wheeler

) **ss**, being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

Subscribed and sworn before me this 10th day of October 10, 2017

Notary Public

DEBORAH A. SURRY
NOTARY
Exp. 4/30/2022
PUBLIC
DISTRICT OF COLUMBIA

Message

From: Olsen, Elizabeth (EPW) [Elizabeth_Olsen@epw.senate.gov]
Sent: 10/6/2017 10:26:17 PM
To: 'wwehrum@hunton.com' [wwehrum@hunton.com]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: RE: Senate Committee on Environment and Public Works: Witness Invitation
Attachments: Wehrum Formal QFR letter.pdf; Wehrum All QFRs 10.04.2017.docx

October 6, 2017

William L. Wehrum Jr.
2200 Pennsylvania Ave NW
Washington, DC 20037

Dear Mr. Wehrum:

On behalf of the Senate Committee on Environment and Public Works, we would like to thank you for testifying before the Committee on Wednesday, October 4, 2017, at the hearing entitled, *"Hearing on the Nominations of Michael Dourson, Matthew Leopold, David Ross, and William Wehrum to be Assistant Administrators of the Environmental Protection Agency, and Jeffery Baran to be a Member of the Nuclear Regulatory Commission."* The Committee greatly appreciates your attendance and participation in this hearing.

In order to maximize the opportunity for communication between you and the Committee, follow-up questions have been submitted by the members. To comply with Committee rules, please e-mail a copy of your responses to Elizabeth_Olsen@epw.senate.gov or deliver one hard copy by COB Thursday, October 12, 2017. Responses should be delivered to the EPW Committee at 410 Dirksen Senate Office Building, Washington, DC 20510.

If you have any questions about the requests or the hearing, please feel free to contact Staff Director, Richard Russell in the Majority Office at Ex. 6 or Staff Director, Gabrielle Batkin in the Minority Office at Ex. 6

Sincerely,

John Barrasso, M.D.
Chairman

Thomas R. Carper
Ranking Member

Elizabeth "Lizzy" Olsen, J.D.
Majority Director of Operations
Senate Committee on Environment and Public Works
C: Ex. 6
O:

From: Olsen, Elizabeth (EPW)
Sent: Thursday, September 28, 2017 5:31 PM
To: 'wwehrum@hunton.com' <wwehrum@hunton.com>
Cc: 'palich.christian@epa.gov' <palich.christian@epa.gov>; 'lyons.troy@epa.gov' <lyons.troy@epa.gov>
Subject: RE: Senate Committee on Environment and Public Works: Witness Invitation

September 28, 2017

William L. Wehrum Jr.
2200 Pennsylvania Ave NW
Washington, DC 20037

Dear Mr. Wehrum:

On behalf of the Senate Committee on Environment and Public Works, we would like to invite you to testify before the Full Committee on Wednesday, October 4, 2017, beginning at 10:00 a.m. in Room 406 of the Dirksen Senate Office Building. The purpose of this hearing is to consider the nominations of Michael Dourson, Matthew Leopold, David Ross, and William Wehrum, to be Assistant Administrators of the Environmental Protection Agency, and Jeffery Baran to be a Member of the Nuclear Regulatory Commission.

In order to maximize the opportunity to discuss this matter with you, we ask that your oral testimony be limited to five minutes. Your written testimony can be comprehensive and will be included in the printed record in its entirety, together with any other materials you would like to submit.

Please email a copy of your testimony to Elizabeth_Olsen@epw.senate.gov and deliver 50 hard copies, 48 hours in advance of the hearing. Please include a brief biography with photo. If you plan to use or refer to any charts, graphs, diagrams, photos, maps or other exhibits in your testimony, please include an electronic or hard copy in your advance submissions. Exhibits or other materials that are not provided to the Committee by this time cannot be used for the purpose of presenting testimony. Testimony should be delivered to the Environment and Public Works Committee at 410 Dirksen Senate Office Building, Washington, DC 20510.

If you have any questions about this invitation or the hearing, please feel free to contact Richard Russell, Majority Staff Director, at Ex. 6 or Gabrielle Batkin, Minority Staff Director, at Ex. 6

Sincerely,

John Barrasso, M.D.
Chairman

Tom Carper
Ranking Member

Elizabeth "Lizzy" Olsen, J.D.
Majority Director of Operations
Senate Committee on Environment and Public Works

C: (
O: (

Ex. 6

From: Olsen, Elizabeth (EPW)
Sent: Thursday, September 14, 2017 11:31 AM
To: 'wwehrum@hunton.com' <wwehrum@hunton.com>
Cc: 'palich.christian@epa.gov' <palich.christian@epa.gov>; 'lyons.troy@epa.gov' <lyons.troy@epa.gov>
Subject: Senate Committee on Environment and Public Works: Witness Invitation

September 14, 2017

William L. Wehrum Jr.
2200 Pennsylvania Ave NW
Washington, DC 20037

Dear Mr. Wehrum:

On behalf of the Senate Committee on Environment and Public Works, we would like to invite you to testify before the Full Committee on Wednesday, September 20, 2017, beginning at 10:00 a.m. in Room 406 of the Dirksen Senate Office Building. The purpose of this hearing is to consider the nominations of Michael Dourson, Matthew Leopold, David Ross, and William Wehrum, to be Assistant Administrators of the Environmental Protection Agency, and Jeffery Baran to be a Member of the Nuclear Regulatory Commission.

In order to maximize the opportunity to discuss this matter with you, we ask that your oral testimony be limited to five minutes. Your written testimony can be comprehensive and will be included in the printed record in its entirety, together with any other materials you would like to submit.

Please email a copy of your testimony to Elizabeth_Olsen@epw.senate.gov and deliver 50 hard copies, 48 hours in advance of the hearing. Please include a brief biography with photo. If you plan to use or refer to any charts, graphs, diagrams, photos, maps or other exhibits in your testimony, please include an electronic or hard copy in your advance submissions. Exhibits or other materials that are not provided to the Committee by this time cannot be used for the purpose of presenting testimony. Testimony should be delivered to the Environment and Public Works Committee at 410 Dirksen Senate Office Building, Washington, DC 20510.

If you have any questions about this invitation or the hearing, please feel free to contact Richard Russell, Majority Staff Director, at (Ex. 6 or Gabrielle Batkin, Minority Staff Director, at Ex. 6

Sincerely,

John Barrasso, M.D.
Chairman

Tom Carper
Ranking Member

Elizabeth "Lizzy" Olsen, J.D.
Majority Director of Operations
Senate Committee on Environment and Public Works
C:
O: Ex. 6

Senate Committee on Environment & Public Works
Hearing entitled, *"Hearing on the Nominations of Michael Dourson, Matthew Leopold, David Ross, and William Wehrum to be Assistant Administrators of the Environmental Protection Agency, and Jeffery Baran to be a Member of the Nuclear Regulatory Commission."*
October 4, 2017
Questions for the Record for Mr. William Wehrum

Ranking Member Carper:

1. For decades, both Republican and Democratic administrations alike have had written policies limiting White House contacts with agencies that have investigatory and enforcement responsibilities. These policies have recognized that even a simple phone call from the White House to an agency inquiring about or flagging a specific matter can upset the evenhanded application of the law. I recently learned that Devon Energy, a strong political supporter of Administrator Pruitt's, informed the EPA just 5 days after Mr. Pruitt was sworn in as Administrator that it was no longer willing to install air pollution technology or pay a high penalty to EPA for its illegal air emissions of cancer-causing benzene and other chemicals. We also know that Trump family casinos, hotels and golf courses have been the subject of EPA enforcement actions for violations of the Clean Air Act and Clean Water Act.
    a. Do you agree that it is essential that in making decisions, EPA's OAR must be shielded from political influence and spared even the appearance of being subject to political influence or considerations?
    b. Will you commit to restricting communications between OAR and the White House staff regarding specific matters under the authority of OAR?
    c. Will you commit to ensuring the staff of OAR is familiar with those restrictions?
    d. Will you commit to advising this Committee within one week if any inappropriate communications from White House staff to OAR staff, including you, occur?

2. Recently, EPA conducted "anti-leaking" training for its employees[1]. According to EPA sources, the briefing stated that "Prohibitions we will discuss do not refer to "Whistleblowing". Agency employees have the right to make lawful disclosures to anyone, including, for example, management officials, the Inspector General, and/or the Office of Special Counsel. Employees may make disclosures to the EPA Office of the Inspector General through the EPA OIG Hotline at 888-546-8740." This presentation evidently failed to note the rights of federal employees have to make disclosures to Congress.
   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

[1] https://www.washingtonpost.com/politics/whitehouse/federal-employees-are-ordered-to-attend-anti-leaking-classes/2017/09/21/032b40d6-9edd-11e7-b2a7-bc70b6f98089_story.html?utm_term=.e2bfc5e54d95

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 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.

a. If you are confirmed, will you commit to protect the rights of all career employees in OAR to make lawful disclosures, including their right to speak with Congress?
b. Will you commit to communicate employees' whistleblower rights via email to all OAR employees within a week of being sworn in?

3. In the wake of Hurricane Irma, at least 11 deaths and numerous injuries have been reported in Florida due to accidental carbon monoxide poisoning from gasoline-powered portable generators.[2] One additional death has also been reported in North Carolina, along with other injuries throughout the Southeastern United States.[3] Many of these deaths and injuries could have been prevented had stronger safety standards been in place for portable gasoline generators. In November 2016, the U.S. Consumer Product Safety Commission (CPSC), following years of work on the issue, voted to issue a Notice of Proposed Rulemaking (NPRM) to implement a mandatory safety standard for portable generators.[4] Since then, Administrator Pruitt and Acting CPSC Chairman Buerkle have separately opined that section 213 of the Clean Air Act precludes CPSC action.
   a. Section 213 of the Clean Air Act is intended to regulate emissions from non-road engines or vehicles when the EPA determines that such emissions "are significant contributors to ozone or carbon monoxide concentrations in more than 1 area which has failed to attain the national ambient air quality standards for ozone or carbon monoxide." In your opinion, would the occasional indoor use of portable generators following a power outage be likely to be a significant contributor to ambient carbon monoxide concentrations in more than 1 area that has failed to attain the national ambient air quality standards for carbon monoxide? Why or why not?
   b. There are currently no areas in the United States that have failed to attain the national ambient air quality standards for carbon monoxide, and this has been the

[2] http://www.miamiherald.com/news/weather/hurricane/article174097351.html http://www.sun-sentinel.com/news/weather/hurricane/sfl-carbon-monoxide-deaths-20170914-story.html
[3] http://www.charlotteobserver.com/news/article173612361.html
[4] https://www.federalregister.gov/documents/2016/11/21/2016-26962/safety-standard-for-portable-generators

case since 2010[5]. As a matter of law, could section 213 of the Clean Air Act be used to regulate carbon monoxide emissions due to the indoor use of portable generators if there are no areas in the United States that fail to attain the national ambient air quality standards for carbon monoxide? Why or why not?

4. Your public financial disclosure material lists, among others, several clients such as the American Petroleum Institute and others that are trade or other associations that consist of individual member companies. For each such association or organization listed on your financial disclosure form, please provide a complete list of the individual companies and other entities that comprise its members.

5. In addition to employees or representatives of the trade associations or organizations listed as your clients, have you met or otherwise communicated with employees or representatives of the companies that are members of the associations or organizations as part of your work for the client itself? If so, which ones?

6. Your ethics agreement states that you "will not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. 2635.502(d)."

    a. Please provide a list of all such particular matters involving specific parties that you will either need to recuse yourself from or seek authorization to participate in. For each such particular matter, please also indicate whether you plan to seek authorization to participate.
    b. If that list does not include particular matters involving the list of individual companies and other entities described in question 4, why not?
    c. 5 C.F.R 2635.502(a) states that

        "where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee in accordance with paragraph (d) of this section."

    Do you agree that your representation of numerous industry clients in litigation to repeal or weaken EPA regulations would cause a reasonable person with knowledge of the relevant facts to question your impartiality if you are confirmed and continue to participate either in the litigation or in an administrative action designed to accomplish the identical outcome – repeal or weakening of an EPA regulation – that the litigation sought to accomplish? Why or why not?

[5] https://www.epa.gov/green-book/green-book-carbon-monoxide-1971-area-information

7. Do you intend to participate in non-public meetings with your former clients or their member companies (as applicable) if you are confirmed, even if the meetings are about the repeal or weakening of the very same EPA regulations you sought, on behalf of those clients, to repeal or weaken through litigation? If so, please explain why this would not cause a reasonable person with knowledge of the relevant facts to question your impartiality in the matter at hand.

8. Your Ethics Agreement also states that you will either recuse yourself from or seek authorization to participate in "any particular matter involving specific parties in which I know the law firm [Hunton & Williams] is a party or represents a party." Please provide a list of all the EPA-related particular matters involving specific parties in which Hunton & Williams is a party or represents a party, and indicate whether you plan to seek authorization to participate in each such matter.

9. On February 28, 2017, President Trump directed EPA and the Army Corps to review and possibly rescind or repeal the Clean Water Rule in Executive Order 13776. EPA recently ended the public comment process on the first step of a two-step process to repeal the rule and replace it with a rule that will protect far fewer sources of drinking water. Individuals with first-hand knowledge of the process EPA utilized to prepare its have informed my staff that:

    a) When EPA first submitted the proposed repeal rule to OMB, the draft stated that the agency would undertake a new cost-benefit analysis as part of the second step of its process.
    b) OMB interpreted EPA's first proposal to mean that the rule's repeal would not avoid any costs to industry or have any economic impact at all. EPA's political staff then directed the career staff to undertake a new economic analysis. In response to this direction from OMB, EPA career staff reportedly changed the table included in the 2015 rule to a) reflect 2016 dollars instead of 2014 dollars, b) convert "annual costs incurred" under the Clean Water Rule to "annual costs avoided" due to its repeal and c) convert "annual benefits gained" under the Clean Water Rule to "annual benefits forgone" due to its repeal. This new table was sent to OMB on June 8, 2017.
    c) OMB correctly concluded from EPA's June 8 submittal that repealing the rule would cost more in lost benefits than it would save industry in compliance costs. On June 13, 2017, presumably to avoid such an admission on the part of EPA, EPA career staff were verbally directed by political staff to solve this 'problem' by simply deleting the majority of the benefits of the rule from the table and re-submitting it to OMB, which they did[6].

The direction that was reportedly provided to the EPA career staff to make the various revisions to what was submitted to OMB was verbal, not written. If you are confirmed, do

[6] https://www.epa.gov/sites/production/files/2017-06/documents/economic_analysis_proposed_step1_rule.pdf See Table 1

you commit to ensure that career staff in OAR will receive appropriately documented, rather than verbal, direction from political officials before they take action? If not, why not?

10. As Attorney General of Oklahoma, Administrator Pruitt copied and pasted materials sent to him by industry onto his own letterhead and sent them to EPA. Similarly, when you last served in EPA's air office, language drafted by your old law firm found its way into an EPA mercury regulation that you helped write. You also repeatedly prevented EPA employees from verifying the public health benefits of reducing mercury exposure.
    a. If confirmed, do you commit that you will not allow industry to exert an undue influence on any of the regulatory and policy efforts you will be charged with leading? If not, why not?
    b. Do you commit not to censor or exclude the dedicated and knowledgeable career EPA staff? If not, why not?

11. Do you agree to provide complete, accurate and timely responses to requests for information submitted to you by any Member of the Environment and Public Works Committee? If not, why not?

12. Recently, EPA announced that Administrator Pruitt would be publishing brief summaries of his calendars biweekly, after dozens of Freedom of Information Act requests for this information as well as a March request by me and my colleagues that he do so. During the Obama Administration, the Administrator, regional Administrators and all those serving in confirmed roles published their calendars daily[7]. If you are confirmed, will you commit to publishing your calendars daily? If not, why not?

13. In 2006, when you were last nominated to lead the Office of Air and Radiation (OAR), the then-Bush Administration requested for FY 2007 $1.33 billion (adjusting to 2017 dollars) for State and Tribal Assistance Grants, of which $250 million (in 2017 dollars) was for Air and Radiation programs. Earlier this year, the Trump Administration requested for FY 2018 $597 million, of which $168 million was for Air and Radiation programs. This is more than 50% less for the STAG program in general, and almost 1/3 less for Categorical Grants for OAR programs.
    a. Did you support the request for FY 2007, and do you support the request for FY 2018? Why, or why not?
    b. If you support both the requested levels in FY 2007 and FY 2018, why do you believe that a 1/3 cut to the funding levels in FY 2018 from FY 2017 levels is appropriate?

14. How many legal cases have you filed, or joined others in filing against the EPA, since leaving the agency? 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.

15. You've represented industry in at least thirty-one cases against the EPA since you left the agency. Can you name one Clean Air Act regulation that was promulgated by

[7] https://yosemite.epa.gov/opa/admpress.nsf/Calendars?OpenView

the Obama Administration – not a voluntary or grant program – that you do support and why? If you support more than one, please name these as well.

16. 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. Would you comment on why it is imperative that we have national standards to reduce carbon pollution? If you do not believe it is imperative, why not?

17. In a *per curiam* opinion, the U.S. Circuit Court of Appeals for the District of Columbia affirmed the Endangerment Finding and the U.S. Supreme Court declined to issue a writ of certiorari on the D.C. Circuit's decision. The Endangerment Finding set in motion EPA's legal obligations to set greenhouse gas emissions standards for mobile and stationary sources, including those established by the Clean Power Plan in August 2015.[8] During an exchange with Senator Gillibrand during Administrator Pruitt's confirmation hearing before the Environment and Public Works Committee, he stated, "I believe that the EPA, because of the Mass v. EPA case and the endangerment finding, has obligations to address the CO2 [carbon dioxide] issue."
    a. Do you agree with Administrator Pruitt's statement?
    b. If the Clean Power Plan is withdrawn, and if confirmed, how will you lead the agency to fulfill its legal obligations to address climate change?

18. EPA policy prohibits the use of non-EPA e-mail accounts and instructs employees to: "not use any outside e-mail system to conduct official Agency business. If, during an emergency, you use a non-EPA e-mail system, you are responsible for ensuring that any e-mail records and attachments are saved in your office's recordkeeping system." When last at the EPA, did you ever use personal email to conduct official EPA business? Did you ever use an email alias to conduct official EPA business when you last served at the agency? Do you commit that if confirmed, you will not use an email alias or use personal email addresses to conduct EPA business?

19. Clean car standards save consumers money at the pump and help reduce oil imports. Automakers are complying with vehicle standards ahead of schedule. If confirmed, will you commit to support, defend and enforce EPA's current programs to address greenhouse gas emissions from vehicles?

20. 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?

21. In December 2007, President Bush's EPA proposed to declare greenhouse gases as a danger to public welfare through a draft Endangerment Finding, stating, "The Administrator proposes to find that the air pollution of elevated levels of

[8] https://www.epa.gov/climatechange/us-court-appeals-dc-circuit-upholds-epas-action-reduce-greenhouse-gases-under-clean

greenhouse gas (GHG) concentrations may reasonably be anticipated to endanger public welfare…Carbon dioxide is the most important GHG (greenhouse gas) directly emitted by human activities, and is the most significant driver of climate change." [9]

a. Do you agree with these statements, if not, why not?
b. Did you participate in drafting the proposed Bush Endangerment Finding document in any way? If so, how?

22. When you last served in the EPA OAR office, did the EPA ever propose to disapprove state mercury emissions control programs that were stronger than the Clean Air Mercury? If so, please provide how many times this happened and what your role was in these actions. Please also provide how this fits in Administrator Pruitt's views of "cooperative federalism."

23. The Rule of Law Defense Fund is an affiliate of the Republican Attorneys General Association. Have you ever contributed any money or time to the Rule of Law Defense Fund?

24. Have you ever contributed any money or time to two election fundraising groups, Oklahoma Strong PAC and Liberty 2.0 PAC?

25. How many legal cases have you filed, or joined others in filing, that involved the Renewable Fuel Standard, biofuels or biodiesel since leaving the EPA? Please provide a summary of your argument and the outcome of each case, including those cases in which the court disagreed with your argument.

26. Have you ever argued in court, or been part of a legal argument, that the Renewable Fuel Standard, as being implemented by the EPA, will lead to an increase in the overall demand for corn, which will lead to an increase in the price of corn? If so, please cite the case and the data used for the argument.

27. In your 2005 EPW confirmation hearing, you answered a question, with the following, "I was barred for 1 year starting September 29, 2001, from participating in the particular matters listed in Attachment A of the memorandum and from taking official action on any particular matter in which my former clients, listed in Attachment B, were or represented a party to the matter. The ethics memorandum also addressed the general rulemakings on which I had represented various clients…With respect to the ethylene MACT rule and the semiconductor MACT rule, he [Kenneth J. Wernick, EPA's then Alternate Agency Ethics Official] concluded that it would be prudent for me not to handle these matters during my first year at EPA. Subsequent to that time, there was no bar to my participating as an EPA official in these rulemakings... In accordance with the ethics memorandum referenced above, I refrained for 1 year starting September 29, 2001, from participating in the particular matters identified by the memorandum and from taking official action with respect to any particular matter

[9] https://insideclimatenews.org/sites/default/files/2007_Draft_Proposed_Endangerment_Finding.pdf

involving the entities listed in the memorandum. I also did not participate in the ethylene and semiconductor MACT rules in my first year at EPA."[10]

a. Please provide a full list of the cases you filed, joined others in filing, or participated in some way related to the ethylene and semiconductor MACT rules prior to you joining the EPA in 2001. Please include any other work that you may have done while employed at Latham and Watkins – or any other organization – prior to coming to the EPA in 2001 that was related to the ethylene and semiconductor MACT rules.
b. What led Kenneth J. Wernick, EPA's then Alternate Agency Ethics Official to conclude it wouldn't "be prudent" for you to handle the ethylene MACT rule and the semiconductor MACT rule during your first year at EPA?
c. In 2001, what other issues and rulemakings did you have to recuse yourself for one year to meet the ethical standards set by the EPA?

28. How many legal cases have you filed, or joined others in filing, since leaving the EPA that challenged rules the Obama EPA had to re-write because the courts said the original rules written by the Bush Administration were illegal?

29. On July 8, 2003, Jeff Holmstead, then-EPA Assistant Administrator for Air and Radiation provided the following remarks in his written testimony to the House Energy and Air Quality Subcommittee of the Energy and Commerce Committee, "Clear Skies would also reduce mercury emissions from power plants. EPA is required to regulate mercury because EPA determined that mercury emissions from power plants pose an otherwise unaddressed significant risk to health and the environment, and because control options to reduce this risk are available."[11] At the time Mr. Holmstead provided these remarks, you were serving as his chief counselor within the EPA OAR office.
    a. Did you agree at the time with Mr. Holmstead's determination, if so why? If not, why not?
    b. Did you ever provide legal counsel to Mr. Holmstead, or others within the EPA, that helped provided the legal basis for these remarks?
    c. Do you agree with Mr. Holmstead's remarks today?

30. On July 8, 2003, Jeff Holmstead, then-EPA Assistant Administrator for Air and Radiation provided the following remarks in his written testimony to the House Energy and Air Quality Subcommittee of the Energy and Commerce Committee: "Mercury, a potent toxin, can cause permanent damage to the brain and nervous system, particularly in developing fetuses when ingested in sufficient quantities. People are exposed to mercury mainly through eating fish contaminated with methylmercury… EPA estimates that 60% of the mercury falling on the U.S. is coming from current man-made sources. Power generation remains the largest man-made source of mercury emissions in the United States…Mercury that ends up in fish may originate as emissions to the air. Mercury emissions are later converted into methylmercury by bacteria. Methylmercury accumulates through the food chain: fish

[10] https://www.gpo.gov/fdsys/pkg/CHRG-109shrg42275/pdf/CHRG-109shrg42275.pdf
[11] https://archive.epa.gov/ocir/hearings/testimony/108_2003_2004/web/pdf/2003_0708_jh.pdf

that eat other fish can accumulate high levels of methylmercury".[12] At the time Mr. Holmstead provided these remarks, you were serving as his chief counselor within the EPA OAR office.

a. Did you have any involvement in the drafting of these remarks? If so, what was your involvement?
b. Did you agree at the time with Mr. Holmstead's remarks, if so why? If not, why not?
c. Do you still agree with Mr. Holmstead's remarks today? If not, why not?

31. In the *White Stallion Energy Center v. EPA, February 2012,* industry argued, "the record does not support EPA's findings that mercury, non-mercury HAP metals, and acid gas HAPs [hazardous air pollutants] pose public health hazards."[13] Do you agree with this statement? Did you have any involvement with this case, if so, please explain.

32. On April 17, 2012, Dr. Jerome Paulson, Chair, Council on Environmental Health, American Academy of Pediatrics, testified before the EPW Committee, stating, "Methyl mercury causes localized death of nerve cells and destruction of other cells in the developing brain of an infant or fetus. It interferes with the movement of brain cells and the eventual organization of the brain…The damage it [methylmercury] causes to an individual's health and development is permanent and irreversible. …There is no evidence demonstrating a "safe" level of mercury exposure, or a blood mercury concentration below which adverse effects on cognition are not seen. Minimizing mercury exposure is essential to optimal child health."[14]
    a. Do you agree with the American Academy of Pediatrics' finding on the importance of minimizing mercury exposures for child health? If not, please cite the scientific studies that support your disagreement.
    b. Do you agree the record supports EPA's findings that mercury, non-mercury hazardous air pollutant metals, and acid gas hazardous air pollutants emitted from uncontrolled power plants pose public health hazards? If not, why not?

33. On July 8, 2003, Jeff Holmstead, then-EPA Assistant Administrator for Air and Radiation provided the following remarks in his written testimony to the House Energy and Air Quality Subcommittee of the Energy and Commerce Committee, "We have not developed methodologies for quantifying or monetizing all the expected benefits of Clear Skies…These estimates [for Clear Skies] do not include the many additional benefits that cannot currently be monetized but are likely to be significant, such as human health benefits from reduced risk of mercury emissions, and ecological benefits from improvements in the health of our forests, lakes, and coastal waters."[15] At the time Mr. Holmstead provided these remarks, you were serving as his chief counselor within the EPA OAR office.
    a. Did you have any involvement in the drafting of these remarks? If so, what was your involvement?

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[12] https://archive.epa.gov/ocir/hearings/testimony/108_2003_2004/web/pdf/2003_0708_jh.pdf
[13] https://www.cadc.uscourts.gov/internet/opinions.nsf/284AC47088C07D0985257CBB004F0795/%24file/12-1100-1488346.pdf
[14] https://www.epw.senate.gov/public/_cache/files/4/3/4324fd62-dc89-4820-bd93-ff3714fcbe30/01AFD79733D77F24A71FEF9DAFCCB056.41712hearingwitnesstestimonypaulson.pdf
[15] https://archive.epa.gov/ocir/hearings/testimony/108_2003_2004/web/pdf/2003_0708_jh.pdf

b. Did you agree at the time with Mr. Holmstead's remarks, if so why? If not, why not?
c. Do you agree with Mr. Holmstead's remarks today that it is currently difficult, or impossible, to monetize the reduced risk of human health and ecological benefits from reducing mercury emissions from power plants? If so, please explain. If not, why not?

34. In 2005 GAO report that reviewed EPA's cost-benefit analysis for the Clean Air Mercury Rule, which you have testified you were heavily involved in writing, GAO identified, "four major shortcomings in the economic analysis underlying EPA's proposed mercury control options that limit its usefulness for informing decision makers about the economic trade-offs of the different policy options."[16]
    a. Can you explain the cost-benefit analysis used for the proposed Clean Air Mercury Rule and why it was used?
    b. Can you explain why the GAO found short-comings with this approach?
    c. Do you agree that co-benefit pollution reductions should be considered when EPA is quantifying the benefits and costs of regulations? If not, why not?
    d. While you were at EPA, did the agency ever use co-benefits to justify a clean air rule and has this approach ever been used in the past?

35. You were substantially involved in EPA's proposal and adoption of the Clean Air Mercury Rule and accompanying Delisting Rule. In 2005, for your EPW confirmation hearing you were asked the following question for the record: "With regard to trading of mercury, in your view, would it have been legally acceptable for EPA, taking into account the requirements of the Clean Air Act, to propose and adopt a facility specific mercury MACT that did not allow trading?" You answered, "After considering the utility unit emissions that would remain following imposition of the requirements of the Act, EPA determined that it was neither appropriate nor necessary to regulate utility units under section 112 of the Clean Air Act. Once EPA made that determination, it would not have been legally appropriate for EPA to issue a MACT standard." Three years later, the D.C. Circuit vacated the EPA's decision to delist power plants as a source under Section 112. Six years later under the Obama Administration, the EPA issued the Mercury and Air Toxics Rule to address mercury and air toxic emissions from power plants under the Section 112 of the Clean Air Act.
    a. Did you disagree with the court's ruling and legal reasoning against the EPA's actions while you were at the agency on mercury and air toxic power plant emissions? Do you continue to disagree today?
    b. Do you still hold the position that it is not "appropriate nor necessary" for the EPA to regulate utility units under Section 112 of the Clean Air Act and therefore, still agree it is not legally appropriate for EPA to issue a MACT standard, as the EPA did through the Mercury and Air Toxics Standard? If so, please explain.
    c. 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

[16] http://www.gao.gov/products/GAO-05-252

for the Mercury and Air Toxics Rule?

36. 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?

37. Do you agree that the EPA's recent consideration of the costs of the Mercury and Air Toxics Rule 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?

38. The Edison Electric Institute (EEI), the association that represents all U.S. investor-owned electric companies, has told my staff that, to their knowledge, about five facilities received an approval from the EPA to operate for up to an additional year, which was through April 2017. According to EEI, to their knowledge all of their member companies have fully implemented the Mercury and Air Toxics Standard Rule. EPA staff has reported to my staff something similar. The Mercury and Air Toxics Rule protects our children from harmful mercury and air toxics pollution; and by industry accounts is already being met with technology that is already bought, paid for and running on almost all our power plants.
    a. Do dispute reports that nearly all covered facilities are already in compliance with the Mercury and Air Toxics Standard? If so, please explain.
    b. According to a recent report by Bloomberg New Energy Finance Report and the Business Council for Sustainable Energy, "consumers now pay 3% less per kilowatt-hour for electricity than in 2007."[17] This means the near universal compliance of the Mercury and Air Toxics Rule has been achieved without significant impacts to electricity reliability or affordability, in fact electricity prices have gone down. Do you agree? If not, why not?
    c. Even though industry has achieved near universal compliance with the Mercury and Air Toxics Standards and electricity prices have gone down, not up, Administrator Pruitt is currently reviewing whether it is "appropriate and necessary" to issue the standards in the first place. Do you agree that the EPA should be conducting this review, if so, why?
    d. If the EPA determines the agency has not met the "necessary and appropriate" criteria found in Section 112(n), and revokes the Mercury and Air Toxics Rule, what does that mean for all the pollution control technology that has been bought, paid for and running on our power plants helping the industry be in full compliance of the rule?
    e. When you were last at the EPA, or after, do you know of any instances when a power plant bought and installed air control technology and decided not to run the technology? If so, please explain the instance. Please include in your explanation if there were any impacts to downwind states or to air pollution levels.

[17] http://www.bcse.org/wp-content/uploads/2017-Sustainable-Energy-in-America-Factbook-Executive-Summary.pdf

39. In a 2016 Law 360 article, you are quoted as saying, "The reason this [the Mercury and Air Toxics Standards Rule] was such a big issue for us is because by EPA's own analysis, if you look at the benefits generated by the hazardous air pollutant reductions this rule would achieve, the costs vastly outweigh the benefits. So from our perspective, it's a regulation that made no sense and wasn't justified."[18] In April 2017, the EPA asked the D.C. Circuit Court of Appeals to delay oral arguments scheduled the Mercury and Air Toxics Standards (MATS) as it reviews the rule.
    a. It is clear from this statement you already have a formed view of the validity of the Mercury and Air Toxics Standard going into the agency. Will you commit to this Committee that you will recuse yourself from the review and any possible rewriting of the Mercury and Air Toxics Rule? If not, why not?
    b. Do you continue to believe the Mercury and Air Toxics Standards is a regulation that made no sense and wasn't justified? If so, why?

40. Will you commit, that if confirmed, you will not act to weaken the Mercury and Air Toxics Standards, if not, why not?

41. This year, you represented the American Petroleum Institute as an intervenor in defense of Administrator Pruitt's 90-day stay of oil and gas pollution standards, which the D.C. Circuit found violated the Clean Air Act. In my office, you refused to recuse yourself from participating in this rule, is that still true and how do you justify that, if confirmed, you will come into the EPA as impartial regulator as it relates to this issue? Do you agree with the court's decision, and why not?

42. 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.
    a. 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?
    b. 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?
    c. If confirmed, will you commit to not further delay the implantation of the 2015 ozone NAAQS? If not, why not?
    d. 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" and if so, will you commit not to include consider costs when setting the National Ambient Air Quality Standards? If you do not agree, why not?

43. In 2006, while you served as Acting Assistant Administrator for Air, the EPA proposed

[18] https://www.law360.com/articles/742955/environmental-group-of-the-year-hunton-williams

to eliminate lead as a criteria pollutant under the Section 109 Clean Air Act National Ambient Air Quality Standard (NAAQS) process. Did you have any involvement in this proposal? If so, please explain.

44. Like you, I am an avid runner. In Delaware during the summer, we often have code orange days warning about the high levels of ozone for that day. Much of Delaware's ozone pollution is coming across the state boundary from upwind states.
    a. Can you describe how high levels of ozone could damage my lungs if I were to take a long run during a code orange day?
    b. Do you agree that ground-level ozone is a dangerous pollutant that causes respiratory and cardiovascular harm? If not, on what basis do you disagree?
    c. If confirmed, how would you direct states to work together to reduce ozone pollution?

45. Clean Air Act section 110(a)(2)(D)(i)(I), also known as the "Good Neighbor" provision, requires that state implementation plans to address air pollution "contain adequate provisions prohibiting, consistent with the provisions of this subchapter, any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard." Under this provision of the Clean Air Act, "[w]henever the Administrator finds that the applicable implementation plan for any area is substantially inadequate . . . to mitigate adequately [] interstate pollutant transport . . . or to otherwise comply with any requirement of this chapter, the Administrator shall require the State to revise the plan as necessary to correct such inadequacies."
    a. Do you support the "Good Neighbor Provision" in the Clean Air Act and agree that this provision does not "encroach upon state sovereignty"? If not, why?
    b. If confirmed, do you commit to fully apply and enforce the Good Neighbor provision?

46. Currently, under the Clean Air Act section 110(a)(2)(D)(i)(I), also known as the "Good Neighbor" provision, Delaware has sent four petitions to the EPA that identify facilities in other states that are emitting air pollution that are significantly contributing to Delaware's air quality and impacting Delaware's ability to maintain or be in attainment for the 2008 national ambient air quality standards (NAAQS) for ozone and the 2015 ozone NAAQS. The petitions are for: 1) Brunner Island facility's electric generating units located near York, Pennsylvania; 2) Homer City Generating Station's electric generating units located in Indiana County, Pennsylvania; 3) Harrison Power Station's electric generating units located near Haywood, Harrison County, West Virginia; and 4) Conemaugh Generating Station's electric generating units located in Indiana County, Pennsylvania. In addition, Maryland has filed a petition that requests EPA make a finding that 36 electric generating units located in the states of Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia are emitting air pollutants that significantly contribute to nonattainment or interfere with maintenance of the 2008 and the 2015 ozone NAAQS in Maryland. The EPA has granted itself six months extension on every petition and has done nothing after that. All of the extensions have long since expired.

a. If confirmed, will you commit to promptly act on Good Neighbor petitions so states, like Delaware and Maryland, can protect their citizens from upwind pollution in neighboring and distant states? If not, why not?
b. If confirmed, will you support, defend and enforce EPA's Good Neighbor provisions to address air pollution that crosses state borders? If not, why not?
c. In some of these situations, like the Harrison Power Station near Haywood in West Virginia, the power plant in question has the needed technology on the facility to help reduce ozone pollution in downwind Delaware and West Virginia ratepayers are already paying for the technology, but the pollution control isn't running. If confirmed, what will you do to ensure pollution control technology already on facilities runs to ensure downwind states have clean air?
d. If confirmed, will you fully implement the Cross State Air Pollution Rules?
e. If the Mercury and Air Toxics Rule is revoked, do you expect there will be an increase in upwind ozone and particulate pollution and have an impact on downwind states? If so, please explain. If not, why?

47. Just last month, you argued against an Obama Administration Occupational Safety and Health Administration indoor air rule that protects construction workers against silica dust, a type of dust that is linked to cancer and lung disease. During your arguments, you are quoted as saying, "People are designed to deal with dust — people are in dusty environments all the time, and it doesn't kill them," [19]The American Industrial Hygiene Association has stated that delaying the full enforcement of this rule will put – and this is their words, quote "2.3 million workers at greater risk to exposure, especially the construction industry — the backbone of our economy"
    a. Please provide the scientific studies that provided the basis for your argument in this case.
    b. When you stated "people are designed to deal with dust," what did you mean by that statement?
    c. When you were last in the EPA, did you ever work on a rule was deemed later to ignore all of the science dealing with particle matter pollution?
    d. Do you agree that there is robust science linking small particle pollution to negative health impacts, even death? If so, why is the science here different than for silica pollution?

48. Do you agree with President Trump's decision to withdraw the United States from the International Paris Climate Accord? If so, please explain.

49. In part of his justifications for withdrawing from the Paris Climate Agreement, President Trump stated the Paris Accord could, "cost America as much as 2.7 million lost jobs by 2025 according to the National Economic Research Associates (NERA)."[20] This economic statistic and others linked to the NERA study were also distributed in White House materials as reasons the President was deciding to withdraw from the Paris

[19] https://www.eenews.net/greenwire/stories/1060061731/search?keyword=silica

[20] https://www.whitehouse.gov/the-press-office/2017/06/01/statement-president-trump-paris-climate-accord

Accord. Soon after the President's speech, NERA stated, "In a set of talking points distributed by the White House in conjunction with its announcement of the US withdrawal from the Paris Agreement, the Trump Administration selectively used results from a NERA Economic Consulting study, "Impacts of Greenhouse Gas Regulations on the Industrial Sector." ... Use of results from this analysis as estimates of the impact of the Paris Agreement alone mischaracterizes the purpose of NERA's analysis, which was to explore the challenges of achieving reductions from US industrial sectors over a longer term. Selective use of results from a single implementation scenario and a single year compounds the mischaracterization."[21]

a. In light of the NERA statement, do you think the President misspoke when he wrongly cited information from the NERA study in his Paris speech? If not, why not?
b. If confirmed, will you commit that you will not distort the NERA study – or any other economic study - to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?
c. After the President's Paris Climate Accord speech, MIT's Joint Program on the Science and Policy of Global Change issued a statement stating the President's characterization of their analysis of the Paris Accord to be misleading.[22] If confirmed, will you commit that you will not distort the climate science studies to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?

50. In a Law360 interview, you were asked, "What is the most challenging case you have worked on and what made it challenging?" You responded, "Without a doubt, it would be Massachusetts v. EPA. I was at the EPA at the time, working as counsel to the assistant administrator for air, Jeff Holmstead."[23] Please explain in detail, what your involvement was while in the EPA regarding regulations that led to, and the agency's defense of the Massachusetts v. EPA case.

Senator Cardin

51. On December 15, 2016, EPA extended by six months the deadlines to respond to petitions submitted by the state of Maryland under section 126 of the Clean Air Act. The petition from Maryland requests that EPA make a finding that 36 electric generating units located in the states of Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia are emitting air pollutants that significantly contribute to nonattainment or interfere with maintenance of the 2008 and the 2015 ozone NAAQS in Maryland. On September 27, 2017, the State of Maryland filed a complaint in the United States District Court of the District of Maryland against the EPA because of the lack of response in regard to the 2016 Good Neighbor petition.

[21] http://www.nera.com/news-events/press-releases/2017/nera-economic-consultings-study-of-us-emissions-reduction-polici.html
[22] http://news.mit.edu/2017/mit-issues-statement-research-paris-agreement-0602
[23] https://www.law360.com/articles/427231/q-a-with-hunton-williams-bill-wehrum

Will you commit to urge the EPA to approve the petition and enforce the air pollution controls already in place in Maryland at upwind out-of-state facilities that directly impede efforts to attain and maintain federal health-based air quality standards in Maryland?

Senator Duckworth:

52. The Renewable Fuel Standard (RFS) program passed Congress with broad bipartisan support and was signed into law by President George W. Bush because it strengthens our nation's energy independence and security. The RFS supports rural communities and American farmers, while reducing greenhouse gas emissions. In my home State of Illinois alone, the RFS has helped create 4000 jobs and more than $5 billion in economic impact.

I am concerned Administrator Pruitt, who reassured Congress that he would execute the program as Congress intended, will break his promise and implement the law in such a way as to limit or cap the growth in renewable fuels – directly violating the RFS program's statutory goals to increase American energy independence and security through increased production of biofuels. As the U.S. Environmental Protection Agency (EPA) has repeatedly affirmed, any policy that decreases or limits growth in biofuels is inconsistent with the statutory goals that Congress enshrined in the law.

Do you believe that Congress intended the RFS to promote long-term growth in all biofuels fuels, including cellulosic ethanol? If confirmed, will you commit that EPA will issue Renewable Volume Obligations that increase production of renewable fuels across the board?

53. During your nomination hearing you stated that you will seek guidance from EPA ethics officials on whether or not you should recuse yourself from issues for which you have previously been engaged in. However, as a regulator and a public servant, you can and should use your own discretion on recusal to avoid even the appearance of conflict of interest.

If confirmed, will you commit to recusing yourself on any issue related to biofuels or the renewable fuels standard given your past work on behalf of industry interests? What other steps will you take to guarantee that your financial and political interests do not influence your work on the RFS?

54. Will you submit for the record a full list describing any action you performed in your professional career related to the RFS program and identify the client or clients on whose behalf you were acting for each action?

55. The Mercury and Air Toxics Rule, or MATS, is an EPA success story about protecting our most vulnerable – our children. After decades of delayed action, EPA implemented the MATS rule to protect our children and our pregnant women from our country's number one source of unregulated mercury and other air toxic pollution: power plants.

Today, EPA says very few power plants in the country are not meeting the MATS pollution reduction timelines. Dr. Goldman, a world-renowned epidemiologist, pediatrician and Dean of the School of Public Health at George Washington University, testified earlier this year that we are seeing the public health benefits of MATS faster than predicted. Simply put, compliance for industry has been easier than opponents of this rule predicted and children are better protected than doctors expected – a real win-win that would never have occurred had corporate special interests prevailed in killing this critical public health rule.

Despite these successes, you continue to lead industry lawsuits against the MATS Rule, falsely claiming that EPA has yet to prove it is appropriate and necessary to regulate mercury and air toxic emissions from power plants, a decision made almost two decades ago. You have argued that the price of our children's mental development is worth less than running pollution control technology that is already bought, paid for and running on our power plants.

How can you assure us you will be impartial – you will choose our children over industry - when it comes to the Mercury and Air Toxics rule? How can you assure the American public that you will do the right thing to protect the children of Illinois and the children of all Americans?

56. As you know Administrator Pruitt, like Secretary Zinke and former Secretary Price have spent millions of dollars combined flying on private jets across the country. This is a gross waste of taxpayer dollars.

Yes or no, as a taxpayer, do you approve of Administrator Pruitt's travel practices on the public dime, and will you commit to utilizing commercials flights in your position?

Senator Ernst:

57. Administrator Pruitt has made engagement with rural America a priority and he has expressed particular concern over how EPA regulations, such as the Waters of the United States (WOTUS) rule, impact these local communities. In cases like WOTUS, the previous EPA did not fully analyze the costs associated with the regulation, particularly for rural communities. At the same time, the benefits of this rule, and others, were often overstated. How will you work to assure transparency when documenting the costs and benefits associated with EPA actions under your office?

58. At multiple times over the course of your career you have represented clients such as API, GMA and others in cases intended to undermine the RFS. The questions you have argued in those cases are relevant to the current RVO rule making for 2018 and 2019, as well as those statutorily required going forward. Additionally, they are relevant to the regulatory decisions related Reid Vapor Pressure waivers, biofuel pathway approval, and topics you will have oversight of, if confirmed. Given this, will you recuse yourself from RFS rulemaking, administering the program or some portions of the program if confirmed, and if you do, who will administer the RFS?

59. If you are confirmed, will you commit to have an open door policy for all interest groups, including those representing biofuels, to ensure that their perspectives are taken into consideration by yourself, the Administrator, and the rest of political leadership at EPA?
60. Do you believe it is fair and appropriate to use only the input of parties regulated by the Clean Air Act when making regulatory decisions?

Senator Fischer:

61. Mr. Wehrum, during questioning you stated that you did not have an in depth understanding around the Renewable Fuels Standard (RFS). Were you ever counsel for any clients involved in lawsuits around the RFS or ethanol-blended fuels? Can you state what your role was in that case(s) and who you represented?

62. As a follow-up, were you serving in the position you are currently nominated to serve in again during the George W. Bush Administration while the RFS1 was implemented?

63. Do you plan to recuse yourself from any items on the RFS or ethanol-blended fuels that you litigated on while in private practice?

Senator Markey:

Mr. Wehrum, because of the Landmark 2007 Supreme Court ruling in Massachusetts v. EPA the EPA made a finding that carbon pollution poses a danger to America, known as the endangerment finding. This ruling made it possible for states like California and Massachusetts to use their Clean Air Act Authority to set higher fuel economy emissions standards for vehicles. State action combined with my 2007 fuel economy law, resulted in an auto industry approved increase of the fuel economy emissions standards to 54.5 miles per gallon by 2025. Those standards will save nearly 2.5 million barrels of oil a day by 2030, are the single largest step any nation has taken to reduce global warming pollution and will save consumers more than $1 trillion. And the auto industry has added 700,000 new jobs since these standards began to take effect.

Administrator Pruitt in his confirmation hearing before this Committee stated that the Endangerment Finding "needs to be enforced and respected." Administrator Pruitt also said earlier this year that "the Clean Air Act focused on mobile sources over the last several years I think has made a substantial difference with respect to GHG and CO2."

64. Mr. Wehrum, yes or no, do you agree with Administrator Pruitt that the endangerment finding needs to be enforced and respected?

65. Mr. Wehrum, yes or no, do you support EPA's continued regulation of greenhouse gases from cars under the Clean Air Act?

Senator Merkley:

66. If you are confirmed as the Assistant Administrator of EPA's Office of Air and Radiation, you will be responsible for implementing the Clean Air Act, which, according to the Supreme Court in *Massachusetts vs EPA,* EPA has the authority to regulate greenhouse gases. Therefore, your understanding of the most basic principles of climate change science will be essential to your role in the regulation of greenhouse gases. In the Intergovernmental Panel on Climate Change's 5th Assessment Report, entitled, "Climate Change 2014 Synthesis Report Summary for Policymakers" (found here: http://www.ipcc.ch/pdf/assessment-report/ar5/syr/AR5_SYR_FINAL_SPM.pdf) the finding under "SPM1" that is labeled "{1}" (note that the labels {x} immediately follow the findings they refer to), states "Human influence on the climate system is clear, and recent anthropogenic emissions of greenhouse gases are the highest in history. Recent climate changes have had widespread impacts on human and natural systems. {1}". Do you agree with that finding?

    a. If you do not agree with this finding, please explain why, and provide at least one peer reviewed study supporting your stated position.

67. In that same report, the finding under "SPM 1.1" labeled "{1.1} states "Warming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia. The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, and sea level has risen. {1.1}." Do you agree with that finding?

    a. If you do not agree, please explain why, and provide at least one peer reviewed study supporting your stated position.

68. In that same report, the finding under "SPM 1.2" labeled "{1.2, 1.3.1}" states "Anthropogenic greenhouse gas emissions have increased since the pre-industrial era, driven largely by economic and population growth, and are now higher than ever. This has led to atmospheric concentrations of carbon dioxide, methane and nitrous oxide that are unprecedented in at least the last 800,000 years. Their effects, together with those of other anthropogenic drivers, have been detected throughout the climate system and are *extremely likely* to have been the dominant cause of the observed warming since the mid-20th century." Do you agree with this finding?

    a. If you do not agree with this finding, please explain why, and provide at least one peer reviewed study supporting your stated position.

69. In that same report, the finding under "SPM 2" labeled "{2}" states "Continued emission of greenhouse gases will cause further warming and long-lasting changes in all components of the climate system, increasing the likelihood of severe, pervasive and irreversible impacts for people and ecosystems. Limiting climate change would require

substantial and sustained reductions in greenhouse gas emissions which, together with adaptation, can limit climate change risks. {2}". Do you agree with this finding?

a. If you do not agree with this finding, please explain why, and provide at least one peer reviewed study supporting your stated position.

70. In that same report, the finding under "SPM 3" labeled "{3.2, 3.3, 3.4}" states "Adaptation and mitigation are complementary strategies for reducing and managing the risks of climate change. Substantial emissions reductions over the next few decades can reduce climate risks in the 21st century and beyond, increase prospects for effective adaptation, reduce the costs and challenges of mitigation in the longer term and contribute to climate-resilient pathways for sustainable development. {3.2, 3.3., 3.4}". Do you agree with this finding?

    a. If you do not agree with this finding, please explain why, and provide at least one peer reviewed study supporting your stated position.

71. In that same report, the finding under "SPM 3.2" labeled "{3.2, 3.4} states "Without additional mitigation efforts beyond those in place today, and even with adaptation, warming by the end of the 21st century will lead to high to very high risk of severe, widespread and irreversible impacts globally (high confidence). Mitigation involves some level of co-benefits and of risks due to adverse side effects, but these risks do not involve the same possibility of severe, widespread and irreversible impacts as risks from climate change, increasing the benefits from near-term mitigation efforts. {3.2, 3.4}". Do you agree with this finding?

    a. If you do not agree with this finding, please provide at least one peer reviewed study supporting your stated position.

72. In that same report, the finding under "SPM 4" labeled "{4} states "Many adaptation and mitigation options can help address climate change, but no single option is sufficient by itself. Effective implementation depends on policies and cooperation at all scales and can be enhanced through integrated responses that link adaptation and mitigation with other societal objectives. {4}". Do you agree with this finding?

    a. If you do not agree with this finding, please explain why, and provide at least one peer reviewed study supporting your stated position.

73. What are the annual emissions of greenhouse gases from power plants in the United States?

    a. Are power plants one of the largest sources of greenhouse gas emissions?

74. Mr. Wehrum, in your testimony, you said that human's contribution to climate change is "an open question". Please name which of these major scientific organizations have stated that human activity is the major driver of climate change.

The American Association for the Advancement of Science (AAAS)
American Chemical Society
American Geophysical Union;
American Institute of Biological Sciences;
American Meteorological Society;
American Public Health Association;
American Society of Agronomy;
American Society of Ichthyologists and Herpetologists;
American Society of Naturalists;
American Society of Plant Biologists;
American Statistical Association;
Association for the Sciences of Limnology and Oceanography;
Association for Tropical Biology and Conservation;
Association of Ecosystem Research Centers;
BioQUEST Curriculum Consortium;
Botanical Society of America;
Consortium for Ocean Leadership;
Crop Science Society of America;
Ecological Society of America;
Entomological Society of America;
Geological Society of America;
National Association of Marine Laboratories;
Natural Science Collections Alliance;
Organization of Biological Field Stations;
Society for Industrial and Applied Mathematics;
Society for Mathematical Biology;
Society for the Study of Amphibians and Reptiles;
Society of Nematologists;
Society of Systematic Biologists;
Soil Science Society of America;
University Corporation for Atmospheric Research.

75. Mr. Wehrum, in your testimony, you declined to comment on the graphs I presented depicting the natural forces on observed temperature, and of greenhouse gases on observed temperature, saying you would need to see the underlying data. This website provides a clear presentation of the data, https://www.bloomberg.com/graphics/2015-whats-warming-the-world/, as well as an explanation of the methodology for these charts, including links to the models and data. Now that you have the time to review the methodology and data, can you please provide your own interpretation of these data sets?

a. Do you agree with NASA's finding that human activity is the primary driver of climate change as shown by these data sets?

b. If you do not agree with NASA's finding from these data sets that human activity is the primary driver of climate change, please explain, in detail, your critiques of these data sets, and please cite at least one peer reviewed study that informs your critique.

76. You responded to my question about ocean acidification with the response that you are familiar with the "allegation of ocean acidification." The definition of allegation, according to Merriam-Webster, is "1. The act of alleging something", where "alleging" means "to assert without proof or before proving", and "2. A positive assertion especially of misconduct", and "3. An assertion unsupported and by implication regarded as unsupportable". Given that NOAA has directly measured changes in the pH of the oceans, showing that ocean water has become more acidic over time, do you believe that "ocean acidification" is an assertion "without proof"?
    a. If you believe ocean acidification is an allegation, do you doubt scientists' ability to measure the pH of water?
    b. If you do not believe that "ocean acidification" is an assertion "without proof", then will you retract your use of the word "allegation" to describe ocean acidification?
    c. Scientists from both NOAA and the EPA have published information and data sets on ocean acidification, found here: https://www.epa.gov/ocean-acidification and here: https://pmel.noaa.gov/co2/story/A+primer+on+pH Can you please describe both NOAA and EPA's conclusion on the causes of ocean acidification?
    d. In your testimony, you said you would defer to EPA scientists and career staff on matters of science. Will you defer to EPA career staff on the science of climate change and ocean acidification?
    e. Please describe your current understanding of ocean acidification in detail, and provide at least one peer reviewed study supporting your stated position.

77. In a recent public disclosure of Administrator Pruitt's calendar of meetings, less than 3% of his meetings were with public health and environmental advocacy organizations, whereas over 25% of his meetings were with industry representatives. Do you believe this reflects fair and balanced input from public health and environmental advocacy organizations?

78. Will you commit to a fair and balanced ratio of input from public health and environmental advocacy organizations?

Senator Sanders:

Climate Change

79. President Trump has suggested in the past that climate change is a hoax. Is the President correct? Is climate change a hoax?

80. Do you agree with the vast majority of scientists that climate change is real, is caused by human activity, and that we must aggressively transition away from fossil fuels and toward energy efficiency and sustainable energy like wind, solar, and geothermal?

81. Do you agree with the vast majority of scientists that the combustion of fossil fuels contributes to climate change?

82. If confirmed, what will you do to ensure that OAR addresses climate change?

Background

83. As a lobbyist with Hunton and Williams, you have represented a host of fossil fuel and chemical companies in lawsuits, some of which are still active, against the EPA. If confirmed, you would be in charge of making sure that these industries install necessary pollution control technologies and conduct waste cleanup.

    As Assistant Administrator for the Office of Air and Radiation, would you have any active conflicts of interests with these companies? If so, will you commit to recuse yourself for the full course of any matter in which any of your former clients is a party? If not, why not?

84. While serving as Assistant Administrator for the Office of Air and Radiation under President Bush, you attempted to roll back environmental protections under the Clean Air Act. These rollback attempts were eventually defeated in the Supreme Court. If confirmed, will you commit to carrying out the Office of Air and Radiation's obligations under the law, including as decided by the Supreme Court?

85. In your past career, you have brought suit against the EPA for its enforcement of the Clean Air Act. 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 whose mission it is to protect human and environmental health?

Science

86. At the EPA, science provides the foundation for Agency policies, actions, and decisions made on behalf of the American people. What should the role of science be in the development of EPA policies, rules, and regulations?

Most Pressing Challenges

87. In your opinion, what are the most pressing air quality challenges that deserve the attention of the EPA? What will you do at the EPA to better address these challenges?

Environmental Regulations

88. If confirmed, do you commit to upholding the goal of the Clean Air Act, which according to the EPA website is "to address the public health and welfare risks posed by certain widespread air pollutants"?

89. The EPA has adopted many cost-effective safeguards in the past eight years that would significantly reduce the pollution that contributes to asthma in children. If confirmed, will you commit to addressing threats from air pollution to America's children?

Environmental Justice

90. If confirmed, will you commit to addressing the growing environmental and economic justice issues associated with air quality?

91. If confirmed, will you commit to addressing issues of environmental justice in Native American communities and offer a voice to those most affected by the environmental consequences of industrialization, especially in regard to resources protected by treaties?

92. Latino children are twice as likely as non-Latino white children to die from asthma while, from 2012-2014, African American children had a death rate ten times that of non-Latino white children. African American children are three times as likely to suffer an asthma attack.

    As Assistant Secretary of Air, will you commit to ensuring that vulnerable low-income communities and communities of color are protected from the harmful impacts of air pollution?

Senator Whitehouse:

93. You have been leading the fight against EPA air standards so it's unclear to me how you're capable of serving in this position consistent with the requirements of Executive Order 13770, "Ethics Commitments by Executive Branch Employees," otherwise known as the Trump ethics pledge. The pledge prohibits appointees from "participat[ing] in any particular matter involving specific parties that is directly and substantially related to [their] former employer or former clients" for the first two years after their appointment. Your ethics agreement states you intend to sign the pledge. We are aware of dozens of separate air cases you've worked on for clients regulated by EPA during your time at Hunton & Williams. Further, your law firm has performed millions of dollars worth of lobbying for Exxon Mobil, Koch Companies, Southern Company, and several other companies regulated by EPA.

a) To ensure compliance with the pledge, please provide for the record all of Hunton & Williams clients, cases, regulatory matters, and issues/legislation on which its lobbied from the past two years, noting all clients with whom you've worked, cases on which you've worked, regulatory work you've done, and any issues/legislation on which you've lobbied.
b) Your financial disclosure or 278 form does not require disclosure of pro bono work. For the past two years, please provide a list of all Hunton & Williams pro bono work, including the clients, cases, regulatory matters, and lobbying, noting all pro bono clients with whom you've worked, pro bono cases on which you've worked, pro bono regulatory work you've done, and pro bono lobbying you've preformed.

94. Your ethics statement suggests to me that you will be seeking waivers to ethics requirements. You may be allowed to seek a waiver, which I find troubling given your extensive history attacking clean air regulations on behalf of companies regulated by EPA.
    a. Please identify all particular matters which you believe at this time may require you to seek a waiver.
    b. For each of these matters, please state why it would be in the public interest to grant you a waiver.
    c. For any matters that you have not identified in response to this question, will you commit to not seeking a waiver from ethics requirements?

95. Through documents produced from Oklahoma Open Records Act requests, we also know that Hunton & Williams staff worked with industry in key states to get other state Attorneys General on a comment letter Pruitt was leading to EPA opposing the carbon pollution standards for new power plants. Hunton & Williams staff also worked with Pruitt's staff to discuss who to approach about signing on, and coached them on how and when to submit the comments. Which client or clients did Hunton and Williams bill for this work?

96. According to a separate set of documents, some of which are marked "confidential", Hunton & Williams arranged a Summit on Federalism and the Future of Fossil Fuels convened by then-Oklahoma Attorney General Pruitt, sponsored by the George Mason School of Law's Law & Economics Center. Which client or clients did Hunton and Williams bill for this work?

97. Hunton & Williams, directly contributed to Scott Pruitt's campaign in 2010 and contributed over $200,000 to RAGA and RAGA's predecessor organization, the Republican State Leadership Committee during Scott Pruitt's time as board chair and on the executive committee.
    a. Between November 1, 2011 and February 17, 2017, how much have you or Hunton & Williams contributed to the Rule of Law Defense Fund (RLDF)?
    b. While Scott Pruitt was Attorney General of Oklahoma, what, if any, fundraising events for Scott Pruitt did you attend?

c. While Attorney General of Oklahoma, did Scott Pruitt ever solicit money from you or Hunton & Williams for his campaign, his Oklahoma Strong or Liberty 2.0 PACs, RAGA, or the RLDF?
d. If yes, please describe each solicitation and how much you and Hunton & Williams contributed as a result of each solicitation.
e. Please provide a list of all RAGA or RLDF contributions, calls, meetings, events, or activities of yours or Hunton & Williams since November 1, 2011 and February 17, 2017.

98. Please describe any role you or Hunton & Williams played in the establishment of or financial contributions to America Rising, America Rising Squared, Protecting America Now, and any other organizations that funded efforts to get Scott Pruitt confirmed as EPA Administrator.

99. EPA Administrator Pruitt recently told CNBC that "I would not agree that [carbon dioxide's] a primary contributor to the global warming that we see." Based on the scientific findings from experts such as NOAA and statements on EPA's website, including "Carbon dioxide is the primary greenhouse gas that is contributing to recent climate change," Politifact determined that statement to be false. Do you agree with Administrator Pruitt or scientific experts regarding whether carbon dioxide is the primary greenhouse gas that is contributing to climate change?

100. 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."
a. Do you agree with the EPA's endangerment finding? Why or why not?
b. Do you commit to not take any steps to narrow the scope or otherwise weaken the endangerment finding?

101. Four Republican former EPA Administrators – Bill Reilly, Bill Ruckelshaus, Lee Thomas, Governor Christine Todd Whitman – testified before EPW that climate change is real and EPA has clear authority under the Clean Air Act to curb carbon dioxide?
a. Do you agree that climate change is real?
b. Do you agree that EPA has authority under the Clean Air Act to reduce carbon dioxide?

102. Industry frequently talks about compliance costs while ignoring the costs to people harmed by the effects of pollution. In Rhode Island these effects cannot be ignored as we see them through bad air days and other problems. 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.

a. With respect to ozone, do you believe EPA should look at only the costs to industry when undertaking its regulatory impact analysis?
b. Should the costs to families, such as children sent to emergency rooms due to asthma attacks triggered by smog, be included in the analysis?
c. If so, should those costs be given a different weight than those claimed by industry?

103. 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 because of out of state pollution.
a. What, if any steps, have you taken in your career to help reduce the transport of pollution from upwind states into downwind states like Rhode Island?
b. If confirmed, 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 downwind states?

104. 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.

Facilities with Increasing NO_X

Facility	NO_X Emission Increase	NO_X Rate Increase
Harrison Power Station, West Virginia	13,139 tons (277%)	0.22 lb/mmBtu (220%)
Keystone, Pennsylvania	10,594 tons (285%)	0.22 lb/mmBtu (296%)
Pleasants Power Station, West Virginia	8,734 tons (341%)	0.24 lb/mmBtu (284%)
Homer City, Pennsylvania	7,522 tons (72%)	0.20 lb/mmBtu (107%)
Montour, Pennsylvania	5,889 tons (109%)	0.24 lb/mmBtu (207%)
St. Johns River Power, Florida	4,262 tons (60%)	0.23 lb/mmBtu (142%)

a. Why would this be the case?
b. Do you think these facilities should be required to keep on their NOx controls on?

105. 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.
a. What do you believe is a health-protective standard for ozone?
b. Do you agree that one of the goals of the Clean Air Act is to set NAAQS standards to address the public health and welfare risks of NAAQS pollutants?
c. When considering setting NAAQS limits, should cost be considered?

106. 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.

a. Do you agree that regulations under the Clean Air Act since 1970 have helped grow the economy?

b. If not, can you provide your analysis, materials used, and people you solicited to come to this conclusion?

107. How will you separate your history representing polluters in challenging environmental protections to defending EPA's mission of protecting public health and the environment?

108. Have you heard anything to suggest that EPA may close or consolidate any Regional Offices? What is your opinion of such a proposal?

109. During previous administrations, senior EPA managers' schedules have been available to the public and Administrator Pruitt recently started releasing his. If confirmed, do you agree to make your schedule available as well?

110. I found it extremely troubling that when asked about ocean acidification during your confirmation hearing, that you, a chemical engineer, said you were "aware of the allegation." The definition of "allegation" is "a claim or assertion… typically one made without proof." According to the following experts, ocean acidification is real and occurring:

National Academies of Sciences, Engineering and Medicine 2013 Review of the Federal Ocean Acidification Research and Monitoring Plan:
"The world's ocean has already experienced a 30% rise in acidity since the industrial revolution, with acidity expected to rise 100 to 150% over preindustrial levels by the end of this century. Potential consequences to marine life and also to economic activities that depend on a healthy marine ecosystem are difficult to assess and predict, but potentially devastating."

EPA 2016 Report on Climate Change Indicators in the U.S.:
"As the concentration of carbon dioxide in the atmosphere increases, the ocean absorbs more of it. Over the past 250 years, oceans have absorbed about 28% of the carbon dioxide produced by human activities that burn fossil fuels. Rising levels of carbon dioxide dissolved in the ocean negatively affect some marine life, because carbon dioxide reacts with sea water to produce carbonic acid. The increase in acidity changes the balance of minerals in the water and makes it more difficult for corals and plankton to produce the mineral calcium carbonate, which is the primary component of their hard skeletons and shells. Resulting declines in coral and plankton populations can change marine ecosystems and ultimately affect fish populations and the people who depend on them. Signs of damage are already starting to appear in certain areas.

Measurements made over the last few decades have demonstrated that ocean carbon dioxide levels have risen in response to increased carbon dioxide in the atmosphere, leading to an increase in acidity."

NOAA Ocean Acidification Program:
"Ocean acidification is occurring because our ocean is absorbing carbon dioxide from the atmosphere, leading to lower pH and greater acidity. This is causing a fundamental change in the chemistry of the ocean.
Since the industrial revolution, the atmospheric concentration of carbon dioxide has increased from 280 to over 400 parts per million due to the burning of fossil fuels such as coal, gas, and oil, along with land use change. Ocean acidification refers to a change in ocean chemistry in response to the uptake of increasing carbon dioxide (CO_2) in the atmosphere. The world's surface ocean is tightly linked with the atmosphere and absorbs huge amounts of carbon dioxide each year. This exchange, in part, helps to regulate the planet's atmospheric CO_2 concentrations, but comes at a cost for the oceans and life within it; from the smallest, single celled algae to the largest whales. Were it not for ocean uptake of CO_2, atmospheric CO_2 levels would be increasing at an even greater rate than they are now."
NOAA Pacific Marine Environmental Laboratory Carbon Program:

"Since the beginning of the Industrial Revolution, the pH of surface ocean waters has fallen by 0.1 pH units. Since the pH scale, like the Richter scale, is logarithmic, this change represents approximately a 30% increase in acidity. Future predictions indicate that the oceans will continue to absorb carbon dioxide and become even more acidic. Estimates of future carbon dioxide levels, based on business as usual (BAU) emission scenarios, indicate that by the end of this century the surface waters of the ocean could be nearly 150% more acidic, resulting in a pH that the oceans haven't experienced for more than 20 million years."

Do you accept the findings of these experts that:

a. The human-caused increase in atmospheric carbon pollution is directly related to decreases in ocean pH (ocean acidification)?
b. Oceans are currently acidifying at a rate unprecedented in tens of millions of years?
c. Ocean acidification is damaging coral reefs worldwide, important habitats for recreation, tourism, and commercial fishing?
d. Ocean acidification is harmful to marine ecosystems, negatively affecting fish populations and the communities who depend on them?
e. If you do not agree with any of these statements, please identify the evidence, studies, or analyses you are relying upon to justify your position.

111. 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%.

a. Do you agree that RGGI has developed a successful model for growing our states' economies and cutting carbon pollution at the same time?
b. Do you believe funding levels for EPA grant programs that fund state level initiatives to reduce their emissions should remain level, be increased, or be decreased?

112. 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.

a. What is your vision for air monitoring?
b. Do you believe funding at EPA for these important monitoring networks should remain level, be increased, or decreased?
c. Under your leadership, will you push for greater inclusion of technology-based tools for compliance monitoring and implementation, including electronic reporting and additional air monitors?

113. Section 105 grants provide significant funding to states for implementing the Clean Air Act requirements. 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?

114. The Clean Air Act regulates air emissions from stationary and mobile sources, protecting public health and ensuring Americans have safe air to breathe. Concentrated animal feeding operations (CAFOs) may emit air pollutants in high enough quantities to subject them to CAA and other statutory requirements.

a. Do you believe CAFOs pollute the air?
b. Do you believe it is important for EPA, state and local agencies, and the public to know what air quality and health risks are posed by animal feeding operations?
c. Will you commit to ensuring that the law is enforced with regards to CAFOs.

115. On September 19, 2017, the EPA Office of Inspector General (OIG) released a report on EPA's attempts to develop reliable emission estimation methods (EEMs) to determine whether animal feeding operation are subject to or comply with Clean Air Act

permit requirements or emission reporting requirements under CERCLA or EPCRA (Report No. 17-P-0396). On June 23, 2017, the Office of Air and Radiation agreed with OIG's recommendations and OIG has accepted its planned corrective actions. If confirmed, do you commit to ensuring EPA fulfills its commitment to implement the actions laid out in OAR's June 23, 2017 letter to OIG?

116. OIG's September 19, 2017 report (Report No. 17-P-0396) on animal feeding operations cited a lack of EPA agricultural air expertise and committed resources as a factor in delays in developing emission estimating methodologies.

a. Given President Trump's proposed cuts to EPA's budget, how do you envision implementing the actions agreed to by OAR in Report No. 17-P-0396?

b. What is your vision for protecting public health by ensuring animal feeding operations are meeting CAA and other statutory requirements?

117. Until recently, Carl Icahn served as a special advisor to the President on overhauling regulations. Carl Icahn is also a majority owner of CVR Energy which is an oil refiner that has a compliance obligation under the RFS to blend its oils with renewable fuels. Icahn's company has repeatedly benefited when he has proposed changes to the RFS that would benefit CVR and through speculation in the Renewable Identification Numbers (RINs) market. For example, in February of 2017 Mr. Icahn reportedly presented the White House with draft Executive Order language that would reform the RFS to benefit CVR energy. The same day, CVR's stock value increased by 3.5%, representing a multi-million dollar windfall to Icahn.

a. Please describe any interactions you've had with Carl Icahn, CVR Energy, Valero, or other entities about the RFS in the past two years.

b. Do you think it is appropriate for an Administration official like Mr. Icahn to propose making changes to EPA regulations that clearly benefit a company he owns?

c. If you are confirmed as AA of OAR, and Carl Icahn or CVR Energy approaches you about a matter related to the RFS, do you think would be appropriate to talk with him?

d. Will you commit to not talking with Carl Icahn about the RFS?

118. Since July, EPA has submitted two different proposals that would lower the volumes for biodiesel and renewable diesel. Congress told EPA to increase the volumes of biodiesel and renewable diesel, and both the President and Administrator Pruitt have pledged their support for the RFS. How do you explain EPA's actions?

119. In your professional career you have specifically worked against the interests of biofuels and have represented the petroleum sector in multiple law suits. As Assistant Administrator how would the biodiesel and renewable diesel industries get a fair hearing from you?

120. In July, the DC Circuit Court in ACE vs. EPA said, EPA can't use general waive authority to regulate supply under the RFS. Yet in the most recent proposal from EPA,

EPA is proposing exactly that and is working to use general waive authority to decrease the volumes based on supply. Clearly we have billions of gallons of biodiesel and renewable diesel that qualify for the program and are ready to be produced here in the United States, in Canada and throughout the world. Isn't EPA setting itself up for another lawsuit?

121. The EPA has signaled its planned rejection of the proposal to change the point of obligation under the law. The Agency has yet to issue a decision. If confirmed, will you finalize and issue the Agency's rejection of this proposal, and if so, when? Have you ever expressed a view on proposals to change the point of obligation and if so, what was it?

122. On September 26, the EPA issued a Notice of Data Availability that proposed to make significant, substantial changes to its proposed 2018 RVO and provided for a 15-day comment period. NODAs are generally used to provide data and supplement information in the record. In this case, the EPA has proposed to make material changes to its original proposal, offering stakeholders only 15 days to comment on something that, if adopted, would negatively impact the U.S. biodiesel industry and set the stage for unjustified reductions in perpetuity. In your experience, is this a typical use of a NODA, and can you give me another example when the EPA has used a NODA in this manner? Do you believe that 15 days is an appropriate comment period for a proposed rule under the RFS? In your opinion, is inventing a new methodology to justify a pre-determined outcome an appropriate process to apply in EPA rulemakings under the RFS?

123. Do you believe methane is a greenhouse gas? What is methane's global warming potential, and from what source does that number come?

124. Is it your understanding that EPA will enforce the methane rule on a case-by-case basis? Please explain how EPA's case-by-case approach to compliance with the Methane Rule is consistent with EPA's "No Action Assurance" policy, which dates back to 1984.

125. Which states have been delegated enforcement authority over the Methane Rule? What oversight and/or assistance will EPA provide these states to ensure that regulated entities are complying with the rule?

126. What types of reports and notifications should EPA require states with delegated enforcement authority to submit to the agency to ensure that the states are enforcing the methane rule?

127. Administrator Pruitt has been criticized for spending a disproportionate amount of his time meeting with industry and virtually no time with public-interest groups. If confirmed, will you commit to meet with and listen to all parties, including environmental and public health groups, in a balanced fashion?

128. 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?

129. Do you believe the U.S. should remain a party to the United Nations Framework Convention on Climate Change?

130. Do you believe the U.S. should remain a party to the Paris Agreement?

131. If confirmed, do you commit to providing complete and accurate responses to inquiries from EPW members in a timely fashion.

132. Do you think there should be a standardized social cost of carbon? Is the social cost of carbon greater than zero dollars per metric ton? If so, what is the most accurate social cost of carbon in 2017 and what is the best way to calculate this number?

133. A 2007 legal challenge prompted the courts to direct the government to further quantify the costs and benefits of a ton of carbon pollution in federal government rulemakings. Specifically, the U.S. Court of Appeals for the 9th Circuit agreed that in quantifying the benefit of cutting carbon pollution but admonished that the value is "certainly not zero."[24] The Court asked National Highway Traffic Safety Administration to do a new rule that addressed this issue. This court decision has led the Bush and Obama Administrations to further refine a value for the SCC. Do you agree with the reasoning in this decision?
   a. If no, please explain why not and how that would affect how you would approach your responsibilities.

134. In 2009, the Obama administration created an interagency working group (IWG) in an effort to create a governmental value for the social cost of carbon, which based its calculations on peer-reviewed economic models and expert opinions. The models included in their analysis were the Dynamic Integrated Climate-Economy (DICE)[25], Policy Analysis of the Greenhouse Effect (PAGE)[26], Climate Framework for Uncertainty, Negotiation and Distribution (FUND)[27], and World Induced Technical Change Hybrid (WITCH)[28] models. The IWG was comprised of scientists and economists from the Office of Management Budget, the Council for Environmental Quality, the National Economic Council, the EPA, the U.S. Department of Agriculture, Energy, Transportation, and Treasury.
   a. Can you discuss whether you think the models used by the IWG are appropriate and credible tools for calculating the social cost of carbon?
   b. Can you comment on whether the IWG was comprised of the right governmental stakeholders and actors?

---

[24] *Center for Biological Diversity v. National Highway Traffic Safety Administration*, 508 F.3d 508, U.S. Court of Appeals for the 9th Circuit (2007), available at http://caselaw.findlaw.com/us-9th-circuit/1024716.html.
[25] Dynamic Integrated Climate-Economy model (DICE), http://www.econ.yale.edu/~nordhaus/homepage/dicemodels.htm
[26] Policy Analysis of the Greenhouse Effect (PAGE), http://climatecolab.org/resources/-/wiki/Main/PAGE
[27] The Climate Framework for Uncertainty, Negotiations and Distribution (FUND), http://www.fund-model.org/
[28] World Induced Technical Change Hybrid model (WITCH), http://www.witchmodel.org/

135. On March 28, 2017, the President issued a Presidential Executive Order on Promoting Energy Independence and Economic Growth, which disbanded the IWG, withdrew the guidance it issued, and reverted to OMB Circular A-4 of September 17, 2003 (Regulatory Analysis). This in effect requires each agency to estimate the value of changes in greenhouse gas emissions resulting from regulations. Do you believe the regulatory process will be more effective and efficient in the absence of unified guidance on how to monetize the value of changes in greenhouse gas emissions?

136. Part of the social cost of carbon calculation assumes a value for discount rates. The IWG after reviewing past OMB guidance recommended using a 3% discount rate[29].
   a. Do you have an opinion on what the discount rate value should be when calculating the social cost of carbon?
   b. Scientific research has found that it would be more accurate to use a declining discount rate instead of a fixed one. Do you agree that a declining discount rate would be more accurate?
   c. Do you have an opinion on what the discount rate value should be used for inter-generational impacts?

137. Do you believe that it is appropriate for a cost-benefit analysis to consider the harm caused in other countries from pollution emitted in the United States?

Senator Wicker:

138. As you consider policies at the EPA that affect emissions, will you consider the future uses of biomass in the U.S. as part of the power generation mix? Will you consider and institute policies related to emissions that will allow new market opportunities for American biomass and wood pellet resource?

139. For most of its existence, the ENERGY STAR program has been housed at EPA. Since a 2009 MOU between EPA and DOE, EPA has been administering the voluntary ENERGY STAR program on home appliances.

I am concerned about the proposals to move the ENERGY STAR program for home appliances to DOE. There is the potential that this change could result inefficiencies and lead to additional regulatory burdens. In particular, DOE may not update specifications to incorporate evolving technologies as EPA has through the voluntary program in partnership with stakeholders.

Can you share your perspective on this issue?

[29] Interagency Working Group on Social Cost of Greenhouse Gases, *Technical Support Document*, pp. 15–16.

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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510-6175

October 6, 2017

William L. Wehrum Jr.
2200 Pennsylvania Ave NW
Washington, DC 20037

Dear Mr. Wehrum:

On behalf of the Senate Committee on Environment and Public Works, we would like to thank you for testifying before the Committee on Wednesday, October 4, 2017, at the hearing entitled, *"Hearing on the Nominations of Michael Dourson, Matthew Leopold, David Ross, and William Wehrum to be Assistant Administrators of the Environmental Protection Agency, and Jeffery Baran to be a Member of the Nuclear Regulatory Commission."* The Committee greatly appreciates your attendance and participation in this hearing.

In order to maximize the opportunity for communication between you and the Committee, follow-up questions have been submitted by the members. To comply with Committee rules, please e-mail a copy of your responses to Elizabeth_Olsen@epw.senate.gov or deliver one hard copy by COB Thursday, October 12, 2017. Responses should be delivered to the EPW Committee at 410 Dirksen Senate Office Building, Washington, DC 20510.

If you have any questions about the requests or the hearing, please feel free to contact Staff Director, Richard Russell in the Majority Office at Ex. 6 or Staff Director, Gabrielle Batkin in the Minority Office at Ex. 6

Sincerely,

John Barrasso, M.D.
Chairman

Thomas R. Carper
Ranking Member

PRINTED ON RECYCLED PAPER

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/14/2017 9:39:20 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: WheelerRequested Presentations
Attachments: WheelerRequestedPresentations.pdf

Attached are the presentations requested.

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Requested Wheeler Presentations

a. How to Conduct Congressional Oversight (2017) **[a copy of handouts used]**

b. Preparing for the New Administration (2017) **[no materials available]**

c. The Air Up There: Developments and Opportunities for Clean Air, Coal, Energy and Climate (2016) **[no materials available, agenda attached, please note there was a typo on the date, the conference occurred in 2015, not 2016]**

d. Preparing for the Change in Administration (2016) **[a copy of handouts used]**

e. Focusing on What Really Should be Debated: The Cases of Boiler MACT, Utility MACT and CSPAR (2012) **[copy of Powerpoint attached]**

f. The Waxman-Markey American Clean Energy and Security Act: Cap-and-Trade (2009) **[copy of Powerpoint attached]**

FAEGRE BAKER DANIELS

Andrew Wheeler

As a principal and the team leader of the energy and environment practice group at FaegreBD Consulting and Of Counsel at Faegre Baker Daniels law firm, Andrew Wheeler employs his extensive background in energy, environmental, and infrastructure policy. He helps lead the firm's practice by advising numerous types of clients on comprehensive legislative, regulatory and operational strategies. His knowledge and insider understanding of the Senate, House and various federal agencies allows Andrew to develop tailored, comprehensive strategies that assist clients in realizing their federal affairs goals and build lasting relationships with key policymakers.

Andrew came to FaegreBD Consulting from the Senate Committee on Environment and Public Works where he served as Majority Staff Director, Minority Staff Director and Chief Counsel. In those roles, he worked on every major piece of environmental and infrastructure related legislation over fifteen years. Prior to his work at the full Senate EPW Committee, Andrew served in a similar capacity for six years for the Subcommittee on Clean Air, Climate Change, Wetlands and Nuclear Safety. He started his career at the Environmental Protection Agency working on toxic chemical, pollution prevention and right-to-know issues. Andrew completed his law degree at Washington University, his MBA at George Mason University, and his undergraduate work at Case Western Reserve University.

How to Conduct Congressional Oversight
- Bipartisan Policy Center 2017

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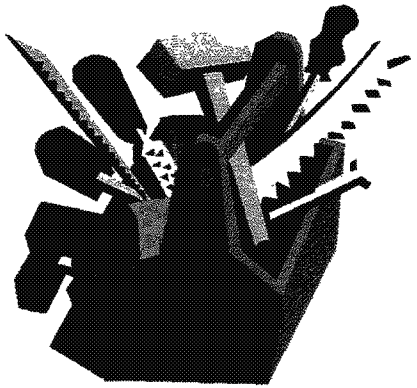
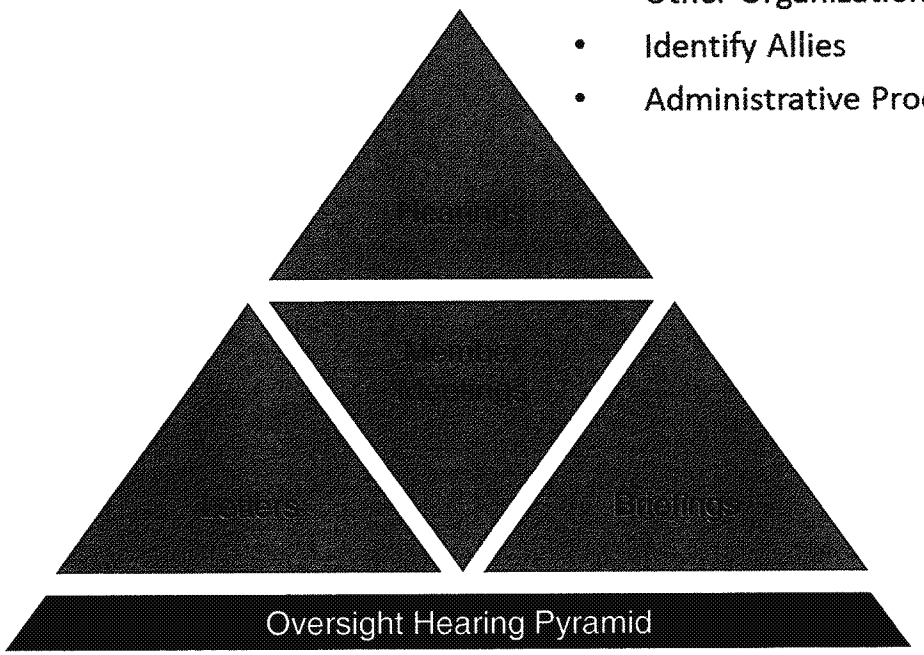


Oversight Toolbox

- Letters to Agencies.
- Committee Briefings, Office Briefings
- Member Meetings
- Other Organizations (GAO, NAS, Commissions, IGs)
- Identify Allies
- Administrative Procedures Process



RECENT ADMINISTRATIVE CHANGES AND JUDICIAL DECISIONS
RELATING TO SECTION 404
OF THE FEDERAL WATER POLLUTION CONTROL ACT
THURSDAY, JUNE 26, 1997

Senator Inhofe. Let me start by asking Mr. Davis the question. In your testimony, both your written testimony and your oral testimony, you talked about the 14 days as the average time the takes the Corps to approve a general permit and 104 days for the approval of individual permit, but I've heard all kinds of scary stories from the field saying it has been much, much longer than that.

One of the reasons that I understand is that it takes the Corps quite a number of days before it decides when an application is complete, so that you don't start the clock running until that point, and then maybe after that point it's 104 days.

Now, I would like to ask you, have you done any studies to determine how long it is from the time the application is first submitted and is granted, not when it's accepted as an application of proper form?

Mr. Davis. I don't think, Mr. Chairman, we've done any specific studies. We have, though, encouraged our field, through training and guidance, to expedite the process and to not allow this initial phase, which is obviously very important to get a complete application before we can go out with a public notice and advertise to the public the proposed project, we have encouraged them to keep that moving.

If you look at the literally tens of thousands of actions a year, I'm sure there are some abuses of that. But, on balance, when you look at the way the program is working --

Senator Inhofe. It's striking an average here. If it's 104 days, do you think that maybe at an average it would take 200 additional days from the time it's submitted until it's considered to be complete?

Mr. Davis. Absolutely not. I mean, the law requires us to submit a -- to publish a public notice within 15 days of complete application. My experience has been that a large majority of them come in relatively complete and we're ready to go with that and we meet that 15-day requirement. So I think it would be much less than 200 days.

Now, there are projects that are very, very large projects --

Senator Inhofe. No. I'm talking about just average, because --

Mr. Davis. No. On average it would not be 200 days.

Senator Inhofe. This is my concern. I know there are exceptions. All right.

Senator Inhofe. Okay. That's not the figure that I have.

Let's go to this chart up here. At our last wetlands hearing three years ago, we asked you to start keeping track of the length of time it takes for the Corps to review and act on an individual permit. I know you kept track on the periods between the time of application -- why don't you go up there and point to this -- the time of application is deemed complete, and the time it is approved. But the period of time -- that's 127 days -- the period of time that I'm concerned about is the period from which it is submitted to the time it is approved.

Now, we had asked for that information. Do you have that information for us?

Mr. Davis. Mr. Chairman, I don't believe we have that information.

Senator Inhofe. All right. That's a good, honest answer. Let's get it.

Justification for 2000 WRDA Amendment

Timeline on Permits Requests

June 26, 1997	Hearing where you first asked Mr. Davis about the process timing for individual permits.
August 29,1997	Corps answered Hearing followup questions regarding the average time for individual permits.
Jan 26, 1998	Staff requested in briefing that they track the individual permits processing time.
Feb 20, 1998	Corps responded that it would be difficult to track
March 5, 1998	Staff reiterated in briefing that Senator Inhofe would like the data tracked.
Oct 9, 1998	Staff reiterated in briefing that Senator Inhofe would like the data tracked.

From 2000 WRDA

Sec. 214. Regulatory Analysis and Management Systems Data.

This provision requires the Secretary to publish on the Army Corps' Regulatory Program website, quarterly reports that include all Regulatory Analysis and Management Systems (RAMS) data, including the date on which an individual or nationwide permit application under Section 404 of the Federal Water Pollution Control Act is received, the date on which the application is considered complete, the date on which the Corps either grants or denies the permit. Also, if an application is not complete when first received by the Corps, a description of the reason the application is not complete should be included in the RAMS. This provision was an amendment offered by Senator Inhofe and adopted by unanimous consent.

SEC. 2027. FISCAL TRANSPARENCY REPORT.

(a) IN GENERAL.—On the third Tuesday of January of each year beginning January 2008, the Chief of Engineers shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on—

(1) the expenditures by the Corps for the preceding fiscal year and estimated expenditures by the Corps for the current fiscal year; and

(2) for projects and activities that are not scheduled for completion in the current fiscal year, the estimated expenditures by the Corps necessary in the following fiscal year for each project or activity to maintain the same level of effort being achieved in the current fiscal year.

(b) CONTENTS.—In addition to the information described in subsection (a), the report shall contain a detailed accounting of the following information:

(1) With respect to activities carried out with funding provided under the Construction appropriations account for the Secretary, information on—

(A) projects currently under construction, including—

(i) allocations to date;

(ii) the number of years remaining to complete construction;

(iii) the estimated annual Federal cost to maintain that construction schedule; and

(iv) a list of projects the Corps of Engineers expects to complete during the current fiscal year; and

(B) projects for which there is a signed partnership agreement and completed planning, engineering, and design, including—

(i) the number of years the project is expected to require for completion; and

(ii) estimated annual Federal cost to maintain that construction schedule.

10 USC 3036
note.

121 STAT. 1080 PUBLIC LAW 110–114—NOV. 8, 2007

(2) With respect to operation and maintenance of the inland and intracoastal waterways identified by section 206 of the Inland Waterways Revenue Act of 1978 (33 U.S.C. 1804)—

(A) the estimated annual cost to maintain each waterway for the authorized reach and at the authorized depth;

(B) the estimated annual cost of operation and maintenance of locks and dams to ensure navigation without interruption; and

(C) the actual expenditures to maintain each waterway.
(3) With respect to activities carried out with funding provided under the Investigations appropriations account for the Secretary—
(A) the number of active studies;
(B) the number of completed studies not yet authorized for construction;
(C) the number of initiated studies; and
(D) the number of studies expected to be completed during the fiscal year.
(4) Funding received and estimates of funds to be received for interagency and international support activities under section 234 of the Water Resources Development Act of 1996 (33 U.S.C. 2323a).
(5) Recreation fees and lease payments.
(6) Hydropower and water storage receipts.
(7) Deposits into the Inland Waterways Trust Fund and the Harbor Maintenance Trust Fund.
(8) Other revenues and fees collected by the Corps of Engineers.
(9) With respect to permit applications and notifications, a list of individual permit applications and nationwide permit notifications, including—
(A) the date on which each permit application is filed;
(B) the date on which each permit application is determined to be complete;
(C) the date on which any permit application is withdrawn; and
(D) the date on which the Corps of Engineers grants or denies each permit.

permits section

(10) With respect to projects that are authorized but for which construction is not complete, a list of such projects for which no funds have been allocated for the 5 preceding fiscal years, including, for each project—
(A) the authorization date;
(B) the last allocation date;
(C) the percentage of construction completed;
(D) the estimated cost remaining until completion of the project; and
(E) a brief explanation of the reasons for the delay.

Preston|Gates|Ellis & Rouvelas|Meeds LLP

MEMORANDUM

TO: Interested Parties

FROM: Michael W. Evans

DATE: January 14, 2005

SUBJECT: How to Refer to Statutory Provisions

When you are working on legislation, it often is necessary to refer to a specific provision of a statute. In order to help you do so, this outline explains how to refer to the various provisions. It will help you be more precise. It also will allow you to adopt an air of superiority whenever someone else refers to clause two as "two little eye."

Sec. 101. This is a section.
(a) This is a subsection.
(1) This is a paragraph.
(A) This is a subparagraph.
(i) This is a clause. It is referred to as "clause one." For some reason, lower case Roman numerals come before upper case Roman numerals.
(I) This is a subclause. It is referred to as "subclause one."
(aa) This is an item. It is referred to as "item a."

There is no official designation for a provision beyond an item. It's probably a subitem. Anyway, if you get to that level of detail, your draft probably is too complex.

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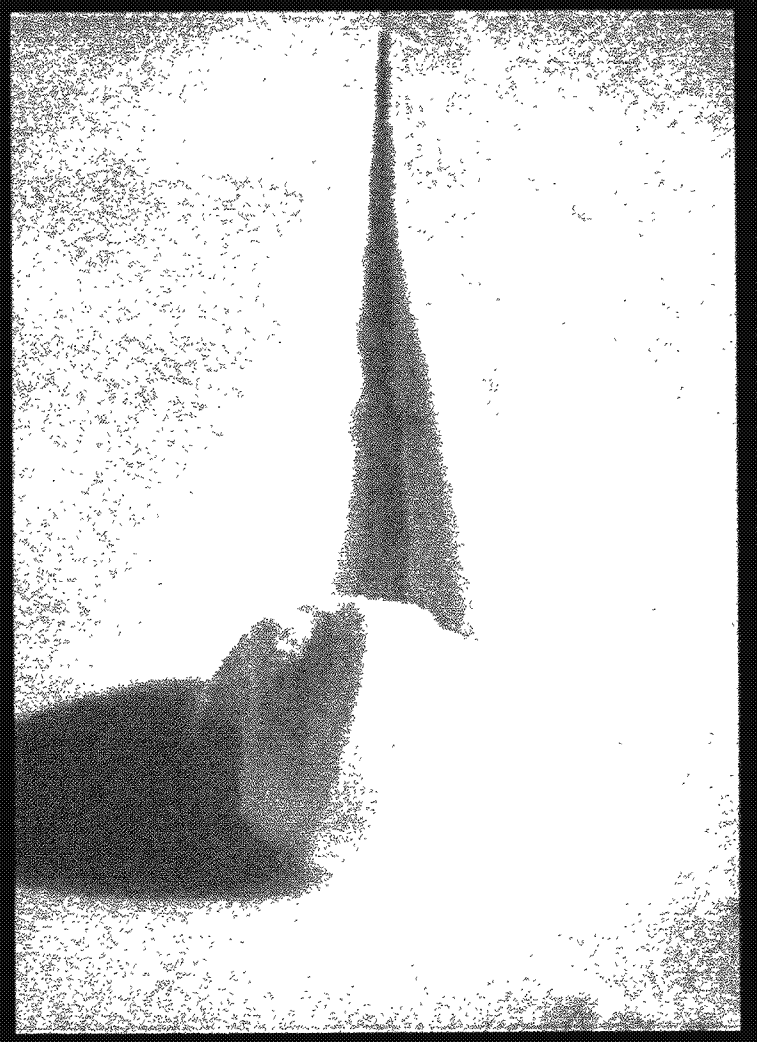
It's a Short Trip from Riding the Waves of Change to Being Torn Apart by the Jaws of Defeat.



A Few Harmless Flakes Working Together Can Unleash an Avalanche of Destruction.

Indiana University
Robert H. McKinney School of Law

Events

Friday, March 6, 2015

IU McKinney School of Law's Eighth Annual Environment, Energy & Natural Resources Symposium
The Air Up There: Developments and Opportunities for Clean Air, Coal, Energy, and Climate

CLE: 6.5 HOURS

Speaker: Janet McCabe, Air Official at US Environmental Protection Agency, Washington, DC
Time: 10:00 am - 6:00 pm
Location: Wynne Courtroom and Atrium, Inlow Hall, 530 W. New York Street, Indianapolis, IN
Contact: enlaw@iu.edu

"Too many Americans continue to breathe dirty air. And political paralysis has plagued further progress against air pollution. We have to break this logjam by applying more than just Federal leverage. We must take advantage of the innovation, energy, and ingenuity of every American."
- President George H. W. Bush

"We've got to pause and ask ourselves: How much clean air do we need?"
- Lee Iacocca

IU Robert H. McKinney School of Law's **Eighth Annual Spring Environmental Symposium** will focus on the legal challenges and opportunities in the management of air quality – including an exploration of proposed new rules regarding greenhouse gas emissions from coal-fired power plants, energy industry responses to regulatory changes, and opportunities for renewable energy in Indiana.

Our Keynote, **Janet McCabe**, is the top Air Official at US Environmental Protection Agency in Washington, DC, and she will be joined by experts and industry leaders from the private sector, government, and public interest organizations.

Other experts and officials from state and federal government and from the private sector will join panels to discuss:

- Proposed **Greenhouse Gas Rules** – Clean Air Act Draft **111(d)** Regulations
- **Renewable Energy & Air**: The Market and Legal Policy Response to the move from Fossil Fuels
- The **Private Sector Response** to Clean Air Regulatory Changes

We will also have legal **ethics panels** on climate change and environmental justice as well as an expert introduction to the science of climate change.

Admission:

- $75 Attorney w/CLE (6.5 hours, including 1.0 ethics, pending approval)
- $25 General Admission
- Free (w/ID) for students, teachers & non-profit employees

Registration:

» **Online Registration for Outside Attendees**

- $75 Attorney w/ 6.5 CLE Credit hours (pending approval)
- $25 General Admission

» **Online Registration for High School/College (IU, McKinney and Other) Students, Faculty, Staff and Non-Profit Employees**

Agenda:

9:30am - Noon	Registration
10:00am-10:15am	**Welcome & Introductions**
10:15am-10:45am	**Setting the Stage** - The Air Up There: Science, Policy, and Legal Ethics Challenges • **Eric Dannenmaier**, Professor of Law, IU Robert H. McKinney School of Law, Indianapolis, IN
10:45am-11:30am	Panel One - **Climate Change – A Science Primer for Law and Policy Leaders** • **Dr. Gabriel Filippelli,** Professor, IUPUI Department of Earth Sciences
11:30am-12:00pm	**LUNCH**
12:00pm-1:00pm	**KEYNOTE - National Clean Air Regulatory Priorities** • **Janet McCabe**, Acting Assistant Administrator for Air and Radiation, US EPA, Washington, DC
1:15pm-2:15pm	Panel Two - **Proposed Greenhouse Gas Rules – Clean Air Act Draft 111(d) Regulations** • **Jodi Perras**, Indiana Representative for Sierra Club's Beyond Coal Campaign, Sierra Club • **Mark Maassel**, President Indiana Energy Association [invited] • **Bob Martineau**, Commissioner, Environmental Counsel of the States [invited], Commissioner, Environmental Counsel of the States [invited]
2:30pm-3:30pm	Panel Three - **Renewable Energy & Air: The Market and Legal Policy Response to the move from Fossil Fuels** • **Nick Melloh,** President, Johnson Melloh Solutions • **Dr. M. Razi Nalim**, Ph.D., P.E., CSO, Aerodyn Combustion, LLC • **Dr. Peter J. Schubert**, Ph.D., P.E. Principal, Biomass Unit Ops, LLC • **Angela Weber**, Commissioner, Indiana Utilities Regulatory Commission
3:30-4:00pm	Special Presentation – **Legal Ethics in the Air: What is a Lawyer's Duty to Environmental Justice Dr. Carlton Waterhouse,** Professor, IU Robert H. McKinney School of Law – Indianapolis, IN
4:15pm-5:15pm	Panel Four - **The Private Sector Response to Clean Air Regulatory Changes** • **Edward L. "Skipp" Kropp**, Of Counsel, Steptoe & Johnson, PLLC • **Michael Allen**, Associate General Counsel, Citizens Energy Group • **Kelly Carmichael**, Managing Director, Environmental Safety & Sustainability, NiSource • **Andrew Wheeler**, Principal, FaegreBD Consulting
5:15pm-6:00pm	Final Plenary - **Prospects for Air's Future: How Can and Should the Law Adapt** • **Eric Dannenmaier**, Professor of Law, IU Robert H. McKinney School of Law, Indianapolis, IN Panelists from throughout the day will be invited to respond and comment
6:00pm	**RECEPTION** - All Invited

Parking:

Parking is available for a nominal fee at the campus Gateway Garage, located on the corner of Michigan and California Streets (Address is 525 Blackford Street).

Parking is also available for a nominal fee at the Natatorium Garage two blocks west of the law school.

Special Accommodations:

Individuals with disabilities who need special assistance should call (317) 274-8036 no later than one week prior to the event. Special arrangements can be made to accommodate most needs.

Share |

« Event List

FAEGRE BAKER DANIELS

Andrew Wheeler

As a principal and the team leader of the energy and environment practice group at FaegreBD Consulting and Of Counsel at Faegre Baker Daniels law firm, Andrew Wheeler employs his extensive background in energy, environmental, and infrastructure policy. He helps lead the firm's practice by advising numerous types of clients on comprehensive legislative, regulatory and operational strategies. His knowledge and insider understanding of the Senate, House and various federal agencies allows Andrew to develop tailored, comprehensive strategies that assist clients in realizing their federal affairs goals and build lasting relationships with key policymakers.

Andrew came to FaegreBD Consulting from the Senate Committee on Environment and Public Works where he served as Majority Staff Director, Minority Staff Director and Chief Counsel. In those roles, he worked on every major piece of environmental and infrastructure related legislation over the fifteen years. Prior to his work at the full Senate EPW Committee, Andrew served in a similar capacity for six years for the Subcommittee on Clean Air, Climate Change, Wetlands and Nuclear Safety. He started his career at the Environmental Protection Agency working on toxic chemical, pollution prevention and right-to-know issues. Andrew completed his law degree at Washington University, his MBA at George Mason University, and his undergraduate work at Case Western Reserve University.

Preparing for the Change in Administration
- Western Caucus
2016

Andrew R. Wheeler
Principal
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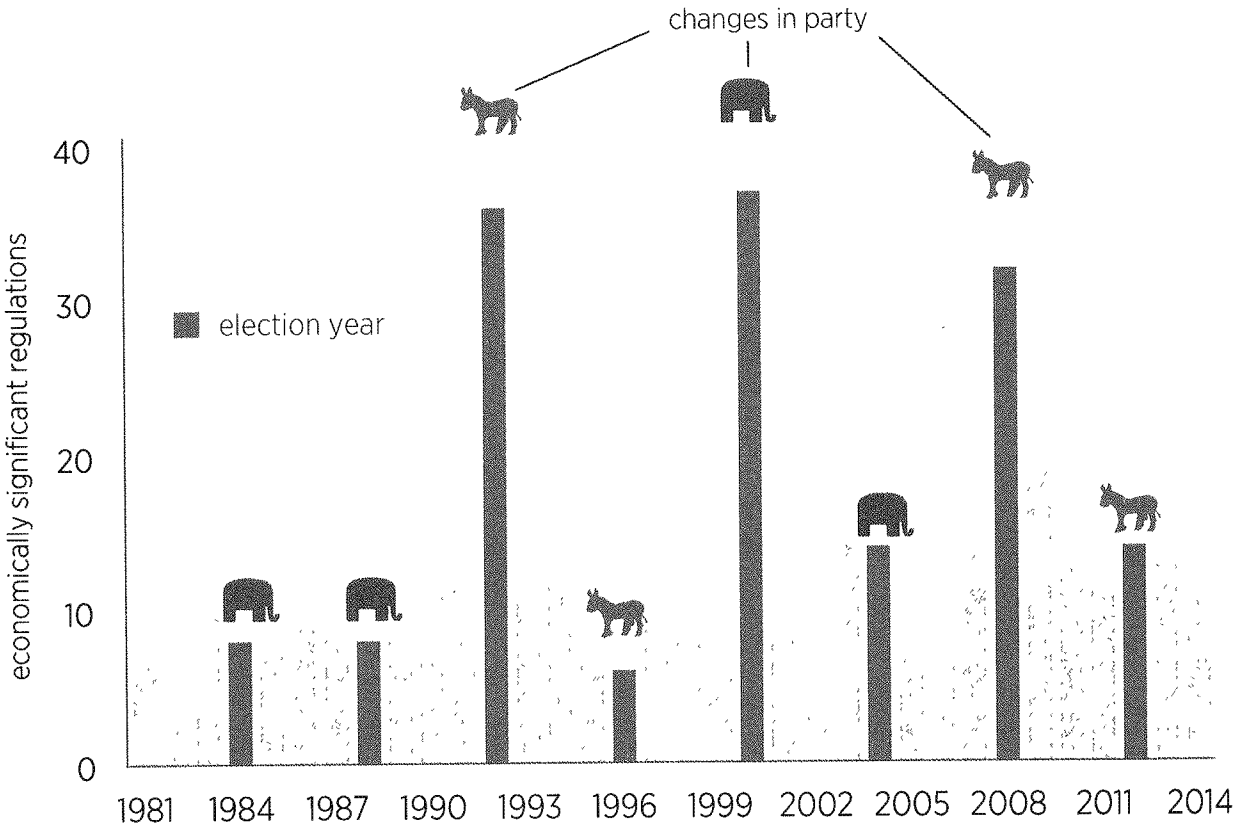
D: +1 202 312 7424 | M: Ex. 6 | F: +1 202 312 7460

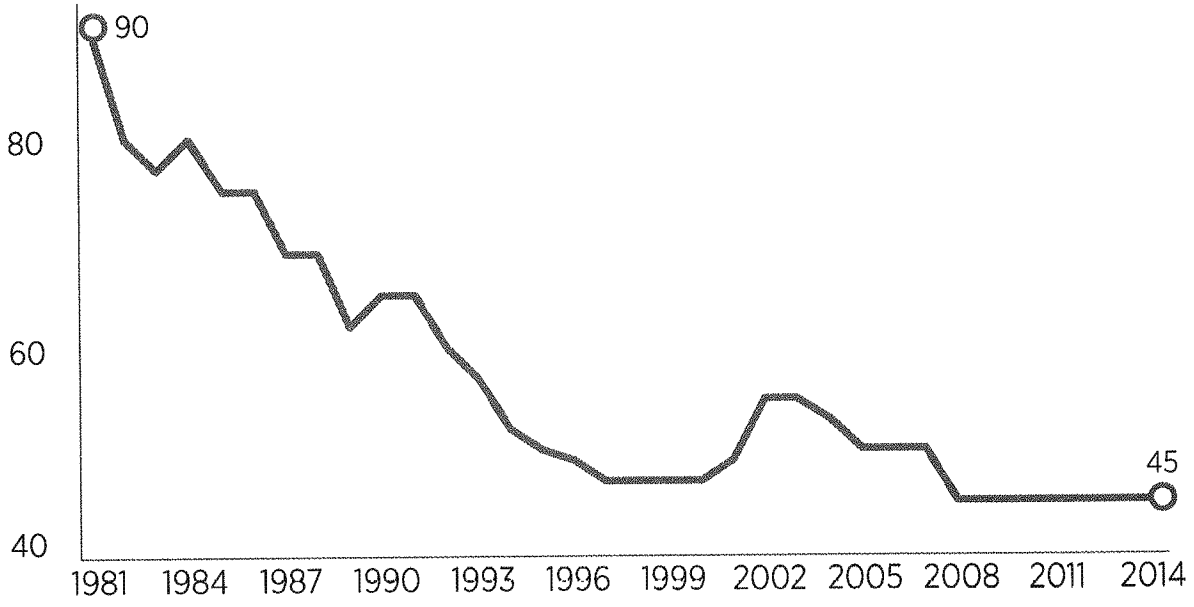
FaegreBD Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Midnight Regulations and the Decrease of OIRA Staff

Every four years, the number of new general regulations surges during the "midnight" period between the presidential election day and Inauguration Day. This surge is seen when an incumbent president is reelected; however, it is considerably higher when there is a change in party.



OIRA Full-Time Employees



read more ( )

MERCATUS CENTER
George Mason University

Data notes: Secondary chart does not cross horizontal axis at 0.
Sources: OIRA's online "review counts" database;
Appendix to the Budget of the United States for FY 1981–2014.
Produced by Sherzod Abdukadirov and Rizqi Rachmat, January 2016.

Congressional Review Act

- Congress is given 60 legislative days[1] to disapprove.
- Agencies (promulgating a covered rule) must submit a report to each House of Congress and to the Comptroller General.
  - copy of the rule
  - concise general statement describing the rule
  - the proposed effective date of the rule
- Resolution of Disapproval introduced in the Senate
- Resolution is referred to Committee of jurisdiction
- After 20 days it can be discharged by written petition of 30 Members and placed on Senate Calendar
- Debate is limited to 10 hours with no amendments, requires simple majority to pass.
- A resolution passed by one body of Congress cannot be referred to Committee in the other body.

1. There is an extended time frame for rules submitted in the final 60 days of a congressional session. These rules can be disapproved within 75 legislative days of when the next session of Congress convenes.

EPA Issues New Pollution Rule for Diesel Trucks, Buses

By Brian Hansen

WASHINGTON, DC, December 21, 2000 (ENS) - In a bold move that drew accolades from environmental groups and objections from the trucking industry, the outgoing Clinton/Gore administration today unveiled a new air pollution control rule. It will force drastic reductions in heavy duty truck and bus emissions over the next decade....

...Carol Browner, administrator of the U.S. Environmental Protection Agency, announced the sweeping new standards at a news conference in Washington. Browner said the new diesel rule could not have been enacted without the leadership of President Bill Clinton and Vice President Al Gore, who she said have "fought tirelessly to make clean air a reality."...

...Others see the new rule quite differently. Senator James Inhofe, a Republican from Oklahoma, has signaled that he and other GOP lawmakers will try to roll back the new diesel rule and other so-called "midnight regulations" that the Clinton administration has enacted in the waning weeks of its final term

"What is most disturbing is that the Clinton/Gore administration will promulgate these regulations at any cost," Inhofe wrote in a recent op-ed piece published in the "Washington Times" newspaper. "This last minute regulatory push serves two purposes: first, it panders to special interest groups for political gain and second, it preempts regulatory decisions which should properly be made by the next administration."

President-elect George W. Bush and Vice President-elect Dick Cheney will be sworn into office on January 20. Sources tell ENS that Christine Todd Whitman, New Jersey's Republican Governor, is the incoming administration's top choice to head up the Environmental Protection Agency.

Bush has not said whether his administration would support Inhofe's efforts to roll back the EPA's newly enacted diesel rule. Browner, asked about the possibility, said, "I certainly hope that they would not delay or undo this. This is much needed. This is about cleaner air for every person in this country."

"These standards are about providing a level of public health protection, and it would be my strong hope that the next administration will share our commitment to clean air for all Americans," Browner added....

THE TENSION BETWEEN ENVIRONMENTAL REGULATION, JOB GROWTH AND THE ECONOMY
– The Clean Air Act –

Andrew Wheeler
Principal
FaegreBD Consulting
June 1, 2012

FAEGREBD Consulting

- Overall impact of EPA Clean Air Rules
- UMACT
- CSAPR
- NSPS
- What's Next

FAEGREBD Consulting

- Employment losses total 2.15 million job-years by 2020. Counting job gains, net employment losses total 1.65 million job-years.
- Annual employment losses average 239,000 jobs. Counting job gains, net employment losses average 183,000 jobs per year.
- Job losses outweigh job gains by three to one.
- Cumulative GDP loss of $190 billion by 2020.
- The average U.S. family loses $270 per year in disposable income, a total of $1,750 by 2020.

  - Analysis by National Economic Research Associates (NERA), October 2011

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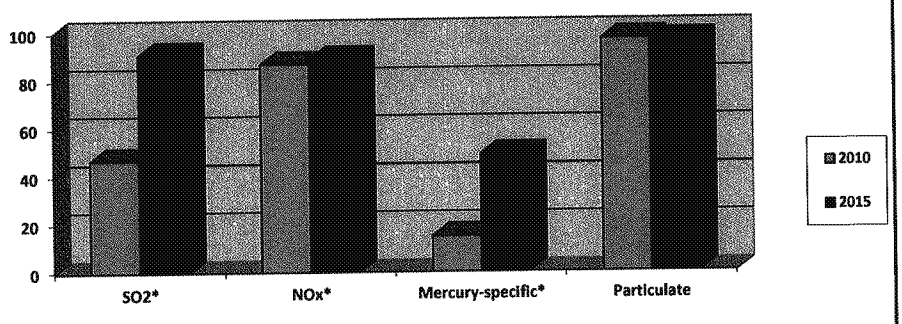
Percentage of Coal Units with Advanced Controls, 2010 and 2015



***The combination of SO_2 scrubbers and selective catalytic reduction controls for NO_x also reduces mercury, eliminating the need for mercury-specific controls at many power plants.**

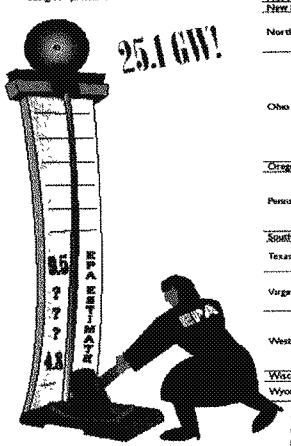
Source: NERA analysis of U.S. EPA, "IPM Analysis of the Final Mercury and Air Toxics Standards (MATS)." http://www.epa.gov/airmarkets/progsregs/epa-ipm/toxics.html/

EPA Misery Index

NMA

Coal Plant Retirements due to EPA Regulations

The Environmental Protection Agency (EPA) has dangerously underestimated the impact of its back-door mandates on affordable coal-based electricity generation. Instead of the 4.8 to 9.5 gigawatts (GW) of electric plant retirements predicted by EPA, 57 power plants with 25.1 GW of generating capacity have already gone on the chopping block due to U-MACT and CSAPR. That means more than 29,000 workers are losing their jobs, millions of consumers will be paying more for their electricity and the reliability of our electricity supply is being compromised.



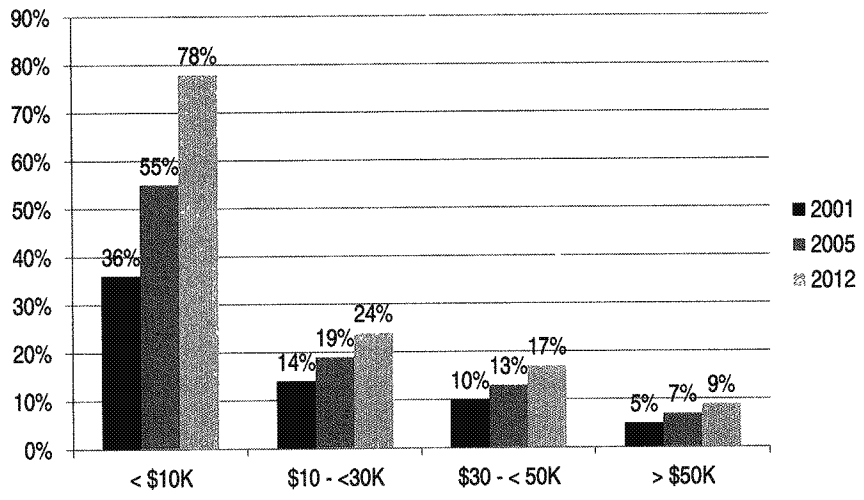
State	District	Plant Name	Owner	Capacity (MW)
Georgia	GA-2	Mitchell	Georgia Power	40
	GA-10	Harlee Branch	Georgia Power	591
Illinois	IL-15	Hutsonville	Ameren	150
	IL-18	Meredosia	Ameren	303
Indiana	IN-1	State Line	Dominion	795
	IN-9	Tanner's Creek	AEP	368
Kentucky	KY-1	Green River	LG&E	189
	KY-3	Cane Run	LG&E	619
	KY-5	Big Sandy	AEP	438
	KY-6	Tyrone	LG&E	135
Maryland	MD-6	R Paul Smith	FirstEnergy	110
Massachusetts	MA-6	Salem Harbor	Dominion	604
Michigan	MI-2	B.C. Cobb	CMS	312
	MI-4	D.E. Karn	CMS	515
	MI-7	J.R. Whiting	CMS	335
Minnesota	MN-5	Black Dog	Xcel	294
Missouri	MO-3	Meramec	Ameren	924
New Mexico	NM-3	Four Corners	Arizona Public Service	633
North Carolina	NC-2	Cape Fear	Progress Energy	761
	NC-3	H.F. Lee	Progress Energy	377
	NC-7	L.V. Sutton	Progress Energy	604
		Weatherspoon	Progress Energy	177
Ohio	OH-1	Miami Fort	Duke	163
	OH-2	W.C. Beckjord	Duke	1,558
	OH-7	Hickory	AEP	100
	OH-9	Bay Shore	FirstEnergy	499
	OH-11	Lake Shore	FirstEnergy	300
	OH-13	Avon Lake	GenOn	732
	OH-14	Ashtabula	FirstEnergy	256
		Eastlake	FirstEnergy	1,287
	OH-17	Niles	GenOn	217
	OH-18	Conesville	AEP	165
		Muskingum River	AEP	915
Oregon	OR-2	Boardman	Portland General	601
Pennsylvania	PA-3	Armstrong	FirstEnergy	356
	PA-4	New Castle	GenOn	330
	PA-5	Shawville	GenOn	597
	PA-6	Titus	GenOn	243
	PA-15	Portland	GenOn	401
	PA-18	Brunner	GenOn	460
South Dakota	At-large	Ben French	Black Hills	25
Texas	TX-4	Monticello	Luminant	1,186
		Welsh	AEP	528
	TX-28	T.H. Deely	CPS Energy	897
Virginia	VA-1	Yorktown	Dominion	376
	VA-4	Chesapeake	Dominion	613
	VA-9	Clinch River	AEP	235
		Glen Lyn	AEP	335
West Virginia	WV-1	Albright	FirstEnergy	278
		Kammer	AEP	712
		Rivesville	FirstEnergy	110
		Willow Island	FirstEnergy	212
	WV-2	Kanawha	AEP	400
		Philip Sporn	AEP	1,108
Wisconsin	WI-3	Alma	Dairyland Power Coop	45
Wyoming	At-large	Neil Simpson	Black Hills	22
		Osage	Black Hills	35
			Total	25,138

25.1 gigawatts is enough electric generating capacity to power 18.8 million homes. All retirements based on publicly available information.

http://www.nma.org www.nma.org

Energy Cost Impacts on American Families, 2001-2012

As Percentage of Annual Household After-Tax Income – Gene Trisko



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- EPA claims "up to $2 Trillion in annual economic benefits by 2020" but..
  - EPA uses "willingness to pay' questionnaires asking people how much they would consider paying for less sick days or less risk has no bearing on the economy or the impact on real jobs.
  - The EPA's macroeconomic analysis actually shows the cumulative impact of their regulations on the GDP to be a range between $110 billion **loss** to just a $5 billion gain by 2020.
  - The same analysis showed that the overall impact to the GDP in 2010 by the previous EPA Clean Air regulations was a loss of $32 billion to $79 billion.

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- The EPA's Utility MACT regulation is supposed to control HAPs but...
  - The monetized benefits of controlling HAPs amount to only 0.0004% of the benefits of the proposal, the rest are from PM which is already controlled by existing regulations.
  - Utility MACT would have a "negligible impact on mercury exposure" because most mercury exposure in our country comes from non-US sources. Mercury emissions have been cut in half over the past 30 years.
  - The other HAPs in the proposal would change the background cancer risk from .33 as it is currently to 0.330001

FAEGREBD Consulting

Southern Company Services, Inc.
601 Pennsylvania Avenue, NW
Suite 600
Washington D C 20004
Tel 202 261.5000

SOUTHERN COMPANY

Southern Company has not said that compliance with the Utility MACT rule will be achieved by 2016. In fact Southern does not expect to have a compliance plan finalized until later in the summer of 2012. What Southern has said is that while the capital cost for compliance with the Utility MACT rule may be somewhat less than projected from the proposed rule because the final rule may require fewer baghouses, they have NOT said that compliance will be achieved by 2016. Time beyond the 3 year compliance period will still be needed due to the need for new scrubbers, baghouses, new gas pipelines, fuel conversions and transmission projects to comply with the rule's provisions plus address potential reliability problems. Southern remains concerned about the short time frame in the rule.

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- "The United Mine Workers of America and other unions met with EPA officials repeatedly over the course of the rulemaking to share our analysis of the rule's potential impacts and to recommend several improvements to it. **Our study suggested that up to 56,000 megawatts of electric generating capacity at smaller and older plants could be "at risk" of premature closure.** We told EPA that as many as 54,000 direct jobs were at risk in the utility, mining and rail transport sectors, in addition to 200,000 jobs in related industries and communities impacted by plant closures."... Estimates I've seen of **lost tax revenues as a result of already-announced closures are devastating for these communities**, such as more than $2 million in Oregon, Ohio, and $6.5 million in Eastlake, Ohio. That's a lot of new police cars, fire trucks and textbooks that won't be available where they are needed."
  - ***-Cecil E. Roberts, President of the UMW March 13, 2012***

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- This is the most expensive power sector EPA regulation in history and all of the costs will get passed onto us, the consumer – yet Congress has failed to act. And, this is only one of several new costly EPA utility regulations. **Unless this regulation is changed, it will have a severe impact on manufacturing competitiveness and jobs.** Even without this new regulation, electricity costs have been rising at an alarming rate. According to the EIA, U.S. industrial electricity costs have risen 4.5 percent per year since 2000. Despite lower natural gas costs for gas-fired power generation, industrial electricity prices rose in 2011. Even a 1 cent/kWh increase in the cost of electricity imposes additional costs of approximately $9 billion per year on manufacturing facilities…If the Utility MACT rule goes into effect as currently finalized, billions of dollars of investment will be required in upgrades to existing electricity production facilities, new generation facilities and transmission upgrades. **In 2015 alone, EPA estimates that the rule will cost consumers $9.6 billion annually (in 2007 dollars).** Others in the electric power industry have estimated that costs will be much higher."
  - **- Industrial Energy Consumers of America, February 16, 2012**

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- CSAPR's Timeline is unrealistic.
  - Although CATR proposed a January 2014 implementation date, CSAPR only allowed a 5 month implementation window which would result in unnecessary electric generating unit retirements.
- CSAPR is inflexible and attacks states rights.
  - EPA is initially enforcing the new rule through Federal Implementation Plans, which are less flexible than state-specific State Implementation Plans and contrary to the implementation of most Clean Air Act rules.
- The final version of CSAPR was significantly different than the proposed rule.
  - The final rule added Texas to the annual SO_2 and NO_x programs and Iowa, Missouri, and Wisconsin were added to the ozone-season NO_x program. The states did not have an opportunity to comment on these substantial changes.
  - The final version also included much stricter emission reduction requirements. EPA significantly lowered NO_x emission levels in the base case (without CSAPR) from approximately 3 million tons in the proposal to 2.1 million tons in the final. Additionally, the SO_2 reduction mandates in CSAPR are 20 percent by 2012 and 50 percent by 2014, far more strict than the proposal, 5 percent and 20 percent, respectively.
- EPA's air quality modeling was flawed.
  - EPA's air quality modeling did not take into consideration the emission reductions achieved under the CAIR framework established in 2005. From 2005 to 2009, SO_2 emissions fossil-fuel power plants declined 44 percent and NO_x declined by 45 percent.

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States controlled for both fine particles (annual SO_2 and NO_x) and ozone (ozone season NO_x) (21 States)

States controlled for fine particles only (annual SO_2 and NO_x) (2 States)

States controlled for ozone only (ozone season NO_x) (5 States)

States not covered by the Cross-State Air Pollution Rule

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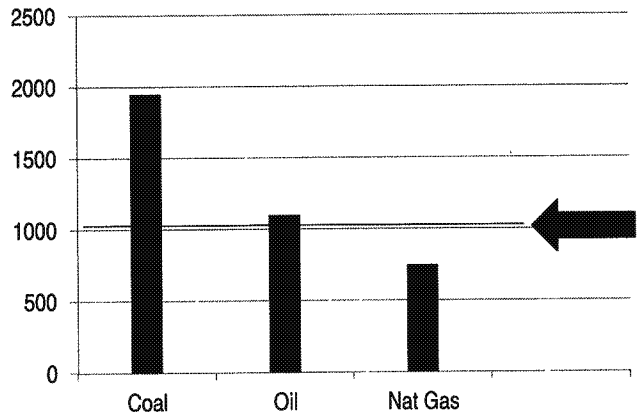

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"He was as lame as a duck. Not the metaphorical lame duck, either, but a real duck that was actually lame, maybe from stepping on a land mine or something."

- From a collection of the best high school similes and metaphors.

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The Waxman-Markey American Clean Energy and Security Act (ACES): Cap-and-Trade

a presentation on the draft bill's cap-and-trade title under discussion by the House Energy and Commerce Committee

Andrew Wheeler and Andy Ehrlich
Energy and Climate Change practice group
B&D Consulting

B&D CONSULTING

Who We Are

- *B&D Consulting*:A national advisory and advocacy firm headquartered in Washington, D.C.
- *Andrew Wheeler*: Former Staff Director and Chief Counsel of the Senate Environment & Public Works Committee
  - Led Senate cap-and-trade debate in 2003, 2005 and 2008

- *Andy Ehrlich*:En ergy & Climate Change practice group leader, former Chief of Staff in the leadership of the House of Representatives
  - Successfully advocated on numerous aspects of last years Lieberman-Warner Climate Security Act

BAD CONSULTING

The Full ACES Bill

- Bundles comprehensive energy reform with climate change legislation
  - Title I: Clean Energy
  - Title II: Energy Efficiency
  - **Title III: Reducing Global Warming Pollution**
  - Title IV: Transitioning to a Clean Energy Economy

The RES is getting almost as much attention as the climate piece.

While Title 3 focuses on climate, there are climate related provisions sprinkled throughout.

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Greenhouse Gases Covered

- The cap covers seven of the primary industrial greenhouse gases plus room to expand:
  - Carbon Dioxide
  - Methane
  - Nitrous Oxide
  - Sulfur Hexafluoride
  - Hydrofluorocarbons
  - Perfluorocarbons
  - **Nitrogen trifluoride**
  - Any other anthropogenic gas designated as a GHG by the Administrator

used in plasma etching of silicon wafers

Used predominantly in the high volume production of liquid crystal displays and silicon-based thin film solar cells.

B&D CONSULTING

Coverage of the Cap

- The draft's covered entities are responsible for 85% of U.S. global warming emissions.
  - Entities that emit less than 25,000 tons per year of CO_2 equivalent are not covered by this program.
  - Entities emitting over 10,000 tons of CO_2 equivalent must report to a GHG registry

[redacted]

•Inslee is working with Mike Doyle to include more provision to prevent job leakage by giving free permits to domestic energy-intensive manufacturers

for 10K to 25K EPA is to develop performance standards which may include registering

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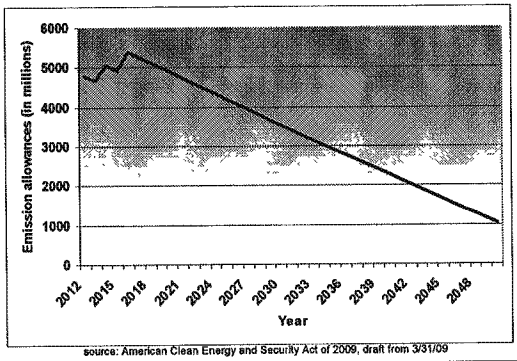
Declining Cap

- The 2012 cap is set at 4% below the 2005 emissions level.
- The 2020 cap is 20% below the 2005 emissions level.
- The 2030 cap is 45% below the 2005 emissions level.
- The 2050 cap is 83% below the 2005 emissions level

[redacted]



source: American Clean Energy and Security Act of 2009, draft from 3/31/09

This is more stringent than LW
It follows Obama Branch
of 83% by 2050
but not mid term goal
2020 is 14% below 2005

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How the Cap Works

- Each year's cap is expressed as a total number of greenhouse gas emissions allowances.
- Each emission allowance authorizes the emission of one metric ton of CO_2-equivalent in one year.

Greenhouse gas (1 metric ton)	Carbon dioxide equivalent (metric tons)
Carbon dioxide	1
Methane	25
Nitrous oxide	298
HFC-23	14,800
HFC-125	3,500
HFC-134a	1,430
HFC-143a	4,470
HFC-152a	124
HFC-227ea	3,220
HFC-236fa	9,810
HFC-4310mee	1,640
CF4	7,390
C2F6	12,200
C4F10	8,860
C6F14	9,300
SF6	22,800
NF3	17,200

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How the Cap Works (cont'd)

- Each covered electric power and industrial entity must hand over to EPA a number of allowances equal to the number of metric tons of CO_2-equivalent that the entity emitted.
- Each importer or refiner of transportation fuels must hand over to the EPA a number of allowances equal to the number of metric tons of CO_2-equivalent contained in the fuels that it put into commerce.

[redacted]

date can be changed

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Who Does What?

Offsets Integrity Advisory Board
- Independent
- Advises EPA for eligible offset project types, qualifications and regular review

The President
Submits recommendations for change of program

National Academy of Sciences
Reports every four years on science, technology, and progress

EPA
- Establish a GHG registry
- Validate reporting
- Conduct auctions
- Banking and borrowing
- Run strategic reserve
- Enforcement

FERC
Regulates the allowance and offsets markets

[redacted]

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Allocations in 2012

- The draft bill leaves this section blank.

Draft proposal is expected to be released April 24.

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Auction Revenues: Where Do They Go?

- The draft bill leaves this section blank.

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Cost Containment

- The draft has a number of cost containment measures:
  - Trading
  - Offsets
  - Banking
  - Borrowing
  - Strategic Reserve
  - Carbon Market Assurance and Oversight

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Cost Containment: Trading

- Because cap-and-trade allows allowances to be bought and sold freely or saved for use in the future years, a market for allowances will develop and will create a uniform price.
- Covered entities with emission allowances may exchange, transfer or hold these allowances or ask the Administrator to retire the allowance.
  - The Administrator will establish a tracking system and all transactions must be reported.
  - Covered entities that cannot reduce their own emissions without incurring a cost (per-unit of GHG reduction) higher than the market price of an allowance will purchase allowances on the secondary market in lieu of reducing their own emissions.

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Cost Containment: Offsets

- The draft allows covered entities to increase their emissions above their allowances if they can obtain "offsetting" reductions at lower cost from other sources.
- The total quantity of offsets allowed in any year cannot exceed 2 billion tons, split evenly between domestic and international offsets.
  - This amount reduces as the years progress.
- Covered entities using offsets must submit five tons of offset credits for every four tons of emissions being offset.
- All offsets must go through a certification process.
  - Effective agreements are required with other countries to assure international offset quality.
- Offsets projects go back to 2001.

[redacted]

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Cost Containment: Banking

- A covered entity may use an emission allowance to meet the compliance obligation requirements for the vintage year of the allowance, or in any subsequent calendar year.
  - Allows unlimited banking.

[redacted]

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Cost Containment: Borrowing

- Two types of borrowing:
  - Borrowing without interest 1 year in advance
  - Borrowing with interest between 1 to 5 years in advance
    - Interest is calculated using the formula of 0.08 times the number of years between the calendar year in which the allowance is being used to satisfy a compliance obligation and the vintage year of the allowance.
- Borrowing is limited to 15% of compliance obligation.

[redacted]

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Cost Containment: Strategic Reserve

- Once each quarter, the Administrator shall auction off allowances from the Strategic Reserve to covered entities.
  - The Administrator sets the minimum strategic reserve auction price.
- Filling the reserve is done by saving:
  - 1% from 2012-2019
  - 2% from 2020-2029
  - 3% from 2030-2050
  - Unsold allowances
- Proceeds are used to purchase additional allowances to replenish the reserve supply.
- Compliance obligations may only constitute 10% from the Strategic Reserve.

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Cost Containment: Carbon Market Assurance and Oversight

- The Federal Energy Regulatory Commission (FERC) regulates the cash market in emission allowances and offsets.
- The President delegates regulatory responsibility for the derivatives market to an appropriate agency (or agencies), based on the advice of an interagency working group.
- Any entity cannot control more than 10% of the allowance market.
- The President may recommend lowering the threshold for covered entities, but not lower than 10,000 metric tons.
- The President may recommend increasing the number of allowable offsets.
- Creates an Offsets Integrity Advisory Board and an offsets registry.

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Additional GHG Standards

- Allows the EPA Administrator to set standards of emissions for stationary sources that have uncapped GHG emissions greater than 10,000 tons of CO_2 equivalent and were responsible for emitting 20% of uncapped GHGs.
- HFCs are in a separate auction.
- EPA may use the CAA to regulate black carbon.

[redacted]

HFC language follows closely to the LW and its various problems.

– Bipart leg intro this week to identify sources + emissions reductions for Black Carbon

Carper, Inhofe, Boxer, Merry

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Clean Air Act Preemption

- §831 – Criteria Pollutants
  - Provides that GHGs may not be listed as criteria air pollutants on the basis of their effects on climate change.
- §832 – Hazardous Air Pollutants
  - Provides that GHGs may not be listed as hazardous air pollutants on the basis of their effects on climate change.
- §833 – New Source Review
  - Provides that New Source Review does not apply to GHG emissions.
- §834 – Title V Permits
  - Provides that GHGs won't be considered when determining whether a stationary source is required to operate pursuant to a permit under Title V of the Clean Air Act.

Other Provisions

- *Supplemental Emissions Reductions.* Emissions are reduced further through international agreements to slow tropical deforestation (which accounts for a fifth of global carbon emissions), funded by auctioning a fraction of the emissions allowances. Criteria are included to set declining rates of deforestation as the baseline for supplemental emission reductions.
  - By 2020, the goal is to achieve supplemental annual emission reductions equal to 10 percent of U.S. 2005 emission levels.
- *Scientific Review.* The National Academy of Sciences is tasked to review the targets periodically in light of the best available science, and the President is to recommend program changes to Congress.

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More Important Provisions

- §334 and 335 – State Authority
  - The draft bill strenuously protects state authority to establish GHG control programs that are more stringent than Federal requirements.
    - Except from 2012 through 2017, states do not have authority to preempt a Federal cap-and-trade program.
- §116 – New Source Performance Standards for new coal plants
  - New coal plants are capped at 1,110 lbs of CO_2 per MWh after 2015 and 800 lbs after 2020. EPA may impose stricter standards not later than 2025.
- §336 – Citizen Suit Provision
  - The draft allows any person who "perceives some risk" from "any incremental increase in a greenhouse gas emission" to sue to stop the offending project under the Clean Air Act.

Key Court Signals High Standing Bar For Activists' Climate Suits

Wednesday, April 22, 2009

http://www.insideepa.com/secure/docnum.asp?docnum=4222009_standing&f=epa_2001.ask

The U.S. Court of Appeals for the District of Columbia Circuit -- the appellate court that hears most regulatory challenges -- appears to have set a high bar for environmentalists and other citizens to sue the government over actions that worsen global warming, hindering their efforts to bring climate suits under a host of environmental laws. In its April 17 ruling in *Center For Biological Diversity [CBD] v. U.S. Department of Interior [DOI]*, the court ruled that the Supreme Court's landmark decision in *Massachusetts v. EPA* did not grant citizens standing to sue on the merits of their climate claims. The appellate court only granted plaintiffs standing to sue on climate matters when the government has violated a procedural requirement.

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Policy vs. Politics

- Legislative Prospects
  - Differing dynamics of House and Senate
  - Influential groups and caucuses
  - Bipartisanship and areas for compromise
- Legislation Timing
  - House timetable vs. Senate timetable
  - Obama Administration
  - Copenhagen
- EPA's Endangerment Finding
  - Administrator Jackson is at the G8 Environment meeting

Democratic lawmakers have touted an EPA analysis released Tuesday that expects carbon permits to be sold for between $13 and $17 per ton of carbon dioxide emitted. It does not, however, detail whether business would have to buy all or some of the allowances. "How were you able to do that analysis while the bill has no allocation-cost scheme in it?" Texas Rep. Joe L. Barton, ranking Republican of the House Energy and Commerce Committee, asked Mrs. Jackson.

"We had to make assumptions," Mrs. Jackson said. Mrs. Jackson did not say whether the analysis included a determination of how many allowances would be sold, only saying that analysts assumed 40 percent of auction proceeds would be returned to consumers.

When she was pressed later by Rep. Steve Scalise, Louisiana Republican, she repeated the president's preference for selling all of the carbon permits. Mr. Obama spent Earth Day in Iowa touting a wind turbine manufacturing plant and the green jobs he hopes to create through investments in renewable energy projects, but said that a cap on carbon emissions is necessary to push the nation away from fossil fuels.

Barton Eyes Air Act 'Performance Standard' As Cap-And-Trade Alternative

Wednesday, April 22, 2009

http://www.insideepa.com/secure/docnum.asp?docnum=4222009_barton

House Energy & Commerce Committee Republicans are drafting alternative legislation to Democrats' cap-and-trade plan that would impose a Clean Air Act "performance standard" on climate change pollutants that at least initially would be focused on new power plants, according to ranking member Rep. Joe Barton (R-TX). Speaking to reporters April 22, Barton said that while he does not believe carbon dioxide is a pollutant "there are others that do [and] we are looking at a regulatory standard based on performance." Barton's comments come as the committee was holding three days of hearings on a cap-and-trade bill in advance of an energy and environment subcommittee mark-up possibly next week.

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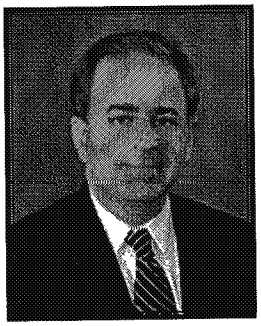
Questions?



Andy Ehrlich
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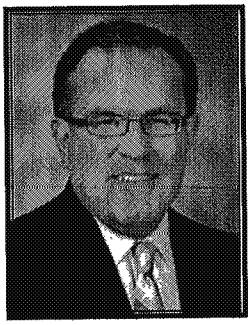

Andrew Wheeler
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Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/17/2017 11:29:26 PM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Final Wheeler Q & A
Attachments: FINAL ALL QFR's Wheeler 11.17.2017.docx

Importance: High

Deliberative Process / Ex. 5

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Senate Committee on Environment and Public Works
Hearing entitled *"Hearing on the Nominations of Kathleen Hartnett White to be Member of the Council on Environmental Quality and Andrew Wheeler to be Deputy Administrator of the Environmental Protection Agency."*
November 8, 2017
Questions for the Record for Mr. Andrew Wheeler

Ranking Member Carper:

Please provide a response to each question, ***including each sub-part.***

1. For decades, both Republican and Democratic administrations alike have had written policies limiting White House contacts with agencies that have investigatory and enforcement responsibilities. These policies have recognized that even a simple phone call from the White House to an agency inquiring about or flagging a specific matter can upset the evenhanded application of the law. I recently learned that Devon Energy, a strong political supporter of Administrator Pruitt's, informed the EPA just 5 days after Mr. Pruitt was sworn in as Administrator that it was no longer willing to install air pollution technology or pay a high penalty to EPA for its illegal air emissions of cancer-causing benzene and other chemicals. We also know that Trump family casinos, hotels and golf courses have been the subject of EPA enforcement actions for violations of the Clean Air Act and Clean Water Act.
   a. Do you agree that it is essential that in making decisions, EPA must be shielded from political influence and spared even the appearance of being subject to political influence or considerations?

Deliberative Process / Ex. 5

   b. Will you commit to restricting communications between EPA and the White House staff regarding specific matters under the authority of EPA?

Deliberative Process / Ex. 5

   c. Will you commit to ensuring the staff of EPA is familiar with those restrictions?

Deliberative Process / Ex. 5

   d. Will you commit to advising this Committee within one week if any inappropriate communications from White House staff to EPA staff, including you, occur?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

2. Recently, EPA conducted "anti-leaking" training for its employees[1]. According to EPA sources, the briefing stated that "Prohibitions we will discuss do not refer to "Whistleblowing". Agency employees have the right to make lawful disclosures to anyone, including, for example, management officials, the Inspector General, and/or the Office of Special Counsel. Employees may make disclosures to the EPA Office of the Inspector General through the EPA OIG Hotline at 888-546-8740." This presentation evidently failed to note the rights of federal employees have to make disclosures to Congress.
   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 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.
   a. If you are confirmed, will you commit to protect the rights of all career employees in EPA to make lawful disclosures, including their right to speak with Congress?

      Deliberative Process / Ex. 5

   b. Will you commit to communicate employees' whistleblower rights via email to all EPA employees within a week of being sworn in?

Deliberative Process / Ex. 5

[1] https://www.washingtonpost.com/politics/whitehouse/federal-employees-are-ordered-to-attend-anti-leaking-classes/2017/09/21/032b40d6-9edd-11e7-b2a7-bc70b6f98089_story.html?utm_term=.e2bfc5e54d95

Deliberative Process / Ex. 5

3. In the wake of Hurricane Irma, at least 11 deaths and numerous injuries have been reported in Florida due to accidental carbon monoxide poisoning from gasoline-powered portable generators.[2] One additional death has also been reported in North Carolina, along with other injuries throughout the Southeastern United States.[3] Many of these deaths and injuries could have been prevented had stronger safety standards been in place for portable gasoline generators. In November 2016, the U.S. Consumer Product Safety Commission (CPSC), following years of work on the issue, voted to issue a Notice of Proposed Rulemaking (NPRM) to implement a mandatory safety standard for portable generators.[4] Since then, Administrator Pruitt and Acting CPSC Chairman Buerkle have separately opined that section 213 of the Clean Air Act precludes CPSC action.
   a. Section 213 of the Clean Air Act is intended to regulate emissions from non-road engines or vehicles when the EPA determines that such emissions "are significant contributors to ozone or carbon monoxide concentrations in more than 1 area which has failed to attain the national ambient air quality standards for ozone or carbon monoxide." In your opinion, would the occasional indoor use of portable generators following a power outage be likely to be a significant contributor to ambient carbon monoxide concentrations in more than 1 area that has failed to attain the national ambient air quality standards for carbon monoxide? Why or why not?

Deliberative Process / Ex. 5

   b. There are currently no areas in the United States that have failed to attain the national ambient air quality standards for carbon monoxide, and this has been the case since 2010[5]. As a matter of law, could section 213 of the Clean Air Act be used to regulate carbon monoxide emissions due to the indoor use of portable generators if there are no areas in the United States that fail to attain the national ambient air quality standards for carbon monoxide? Why or why not?

Deliberative Process / Ex. 5

4. Your ethics agreement states that you "for a period of one year after my resignation, I also will not participate personally and substantially in any particular matter involving

[2] http://www.miamiherald.com/news/weather/hurricane/article174097351.html http://www.sun-sentinel.com/news/weather/hurricane/sfl-carbon-monoxide-deaths-20170914-story.html
[3] http://www.charlotteobserver.com/news/article173612361.html
[4] https://www.federalregister.gov/documents/2016/11/21/2016-26962/safety-standard-for-portable-generators
[5] https://www.epa.gov/green-book/green-book-carbon-monoxide-1971-area-information

specific parties in which I know the firm is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. 2635.502(d). In addition, I will not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. 2635.502(d)."

a. Please provide a list of all such particular matters involving specific parties that you will either need to recuse yourself from or seek authorization to participate in. For each such particular matter, please also indicate whether you plan to seek authorization to participate.

Deliberative Process / Ex. 5

b. 5 C.F.R 2635.502(a) states that:

> "where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee in accordance with paragraph (d) of this section."

Do you agree that you or your firm's representation of clients in particular matters that are before EPA would cause a reasonable person with knowledge of the relevant facts to question your impartiality if you are confirmed and continue to participate either in the particular matter itself or in an administrative action designed to accomplish the identical outcome the particular matter was intended to accomplish? Why or why not?

Deliberative Process / Ex. 5

5. Do you intend to seek a waiver to participate in non-public meetings with your former clients or your firm's clients if you are confirmed? If so, please list which clients you

intend to seek such waivers to meet with and explain will why this would not cause a reasonable person with knowledge of the relevant facts to question your impartiality in the matter at hand.

Deliberative Process / Ex. 5

6. On February 28, 2017, President Trump directed EPA and the Army Corps to review and possibly rescind or repeal the Clean Water Rule in Executive Order 13776. EPA recently ended the public comment process on the first step of a two-step process to repeal the rule and replace it with a rule that will protect far fewer sources of drinking water. Individuals with first-hand knowledge of the process EPA utilized to prepare its have informed my staff that:

    i) When EPA first submitted the proposed repeal rule to OMB, the draft stated that the agency would undertake a new cost-benefit analysis as part of the second step of its process.
    ii) OMB interpreted EPA's first proposal to mean that the rule's repeal would not avoid any costs to industry or have any economic impact at all. EPA's political staff then directed the career staff to undertake a new economic analysis. In response to this direction from OMB, EPA career staff reportedly changed the table included in the 2015 rule to a) reflect 2016 dollars instead of 2014 dollars, b) convert "annual costs incurred" under the Clean Water Rule to "annual costs avoided" due to its repeal and c) convert "annual benefits gained" under the Clean Water Rule to "annual benefits forgone" due to its repeal. This new table was sent to OMB on June 8, 2017.
    iii) OMB correctly concluded from EPA's June 8 submittal that repealing the rule would cost more in lost benefits than it would save industry in compliance costs. On June 13, 2017, presumably to avoid such an admission on the part of EPA, EPA career staff were verbally directed by political staff to solve this 'problem' by simply deleting the majority of the benefits of the rule from the table and re-submitting it to OMB, which they did[6].

The direction that was reportedly provided to the EPA career staff to make the various revisions to what was submitted to OMB was verbal, not written.

a. If you are confirmed, do you commit to ensure that career staff at EPA will receive appropriately documented, rather than verbal, direction from political officials before they take action? If not, why not?

Deliberative Process / Ex. 5

[6] https://www.epa.gov/sites/production/files/2017-06/documents/economic_analysis_proposed_step1_rule.pdf See Table 1

b. You said in the hearing that it would be wrong to direct career staff to break the law. Assuming that the events described to my staff occurred as described (and understanding that you don't have any specific knowledge about these events), is it your view that this may have been an instance in which career staff were directed to break the law? Why or why not?

Deliberative Process / Ex. 5

7. Do you agree to provide complete, accurate and timely responses to requests for information submitted to you by any Member of the Environment and Public Works Committee? If not, why not?

Deliberative Process / Ex. 5

8. Recently, EPA announced that Administrator Pruitt would be publishing brief summaries of his calendars biweekly, after dozens of Freedom of Information Act requests for this information as well as a March request by me and my colleagues that he do so. During the Obama Administration, the Administrator, regional Administrators and all those serving in confirmed roles published their calendars daily[7]. If you are confirmed, will you commit to publishing your calendars daily? If not, why not?

Deliberative Process / Ex. 5

9. In a *per curiam* opinion, the U.S. Circuit Court of Appeals for the District of Columbia affirmed the Endangerment Finding and the U.S. Supreme Court declined to issue a writ of certiorari on the D.C. Circuit's decision. The Endangerment Finding set in motion EPA's legal obligations to set greenhouse gas emissions standards for mobile and stationary sources, including those established by the Clean Power Plan in August 2015.[8] During an exchange with Senator Gillibrand during Administrator Pruitt's confirmation hearing before the Environment and Public Works Committee, he stated, "I believe that the EPA, because of the Mass v. EPA case and the endangerment finding, has obligations to address the CO2 [carbon dioxide] issue." Do you agree with Administrator Pruitt's statement? Why or why not?

Deliberative Process / Ex. 5

10. In December 2007, President Bush's EPA proposed to declare greenhouse gases as a danger to public welfare through a draft Endangerment Finding, stating, "The Administrator proposes to find that the air pollution of elevated levels of

[7] https://yosemite.epa.gov/opa/admpress.nsf/Calendars?OpenView
[8] https://www.epa.gov/climatechange/us-court-appeals-dc-circuit-upholds-epas-action-reduce-greenhouse-gases-under-clean

greenhouse gas (GHG) concentrations may reasonably be anticipated to endanger public welfare…Carbon dioxide is the most important GHG (greenhouse gas) directly emitted by human activities, and is the most significant driver of climate change." [9] Do you agree with these statements? Why or why not?

Deliberative Process / Ex. 5

11. The Rule of Law Defense Fund is an affiliate of the Republican Attorneys General Association. Have you ever contributed any money or time to the Rule of Law Defense Fund? If so, please provide details.

Deliberative Process / Ex. 5

12. In the *White Stallion Energy Center v. EPA, February 2012,* industry argued, "the record does not support EPA's findings that mercury, non-mercury HAP metals, and acid gas HAPs [hazardous air pollutants] pose public health hazards."[10] Do you agree with this statement? Why or why not?

Deliberative Process / Ex. 5

13. On April 17, 2012, Dr. Jerome Paulson, Chair, Council on Environmental Health, American Academy of Pediatrics, testified before the EPW Committee, stating, "Methyl mercury causes localized death of nerve cells and destruction of other cells in the developing brain of an infant or fetus. It interferes with the movement of brain cells and the eventual organization of the brain…The damage it [methylmercury] causes to an individual's health and development is permanent and irreversible. …There is no evidence demonstrating a "safe" level of mercury exposure, or a blood mercury concentration below which adverse effects on cognition are not seen. Minimizing mercury exposure is essential to optimal child health."[11]
    a. Do you agree with the American Academy of Pediatrics' finding on the importance of minimizing mercury exposures for child health? If not, please cite the scientific studies that support your disagreement.

Deliberative Process / Ex. 5

    b. Do you agree the record supports EPA's findings that mercury, non-mercury hazardous air pollutant metals, and acid gas hazardous air pollutants emitted from uncontrolled power plants pose public health hazards? If not, why not?

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[9] https://insideclimatenews.org/sites/default/files/2007_Draft_Proposed_Endangerment_Finding.pdf
[10] https://www.cadc.uscourts.gov/internet/opinions.nsf/284AC47088C07D0985257CBB004F0795/%24file/12-1100-1488346.pdf
[11] https://www.epw.senate.gov/public/_cache/files/4/3/4324fd62-dc89-4820-bd93-ff3714fcbe30/01AFD79733D77F24A71FEF9DAFCCB056.41712hearingwitnesstestimonypaulson.pdf

Deliberative Process / Ex. 5

c. Do you agree it is currently difficult to monetize the reduced risk of human health and ecological benefits from reducing mercury emissions from power plants? If so, please explain. If not, why not? If these costs cannot be calculated, are the risks still real?

Deliberative Process / Ex. 5

14. 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?

Deliberative Process / Ex. 5

15. Do you agree that the EPA's recent consideration of the costs of the Mercury and Air Toxics Standards Rule 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?

Deliberative Process / Ex. 5

16. The Edison Electric Institute (EEI), the association that represents all U.S. investor-owned electric companies, has told my staff that, to its knowledge, all of its member companies have fully implemented the Mercury and Air Toxics Standards Rule. EPA staff has reported to my staff something similar. The Mercury and Air Toxics Standards Rule protects our children from harmful mercury and air toxics pollution; and by industry accounts is already being met with technology that is already bought, paid for and running on almost all our power plants.
    a. Do you dispute reports that nearly all covered facilities are already in compliance with the Mercury and Air Toxics Standards? If so, please explain.

Deliberative Process / Ex. 5

    b. According to a recent report by Bloomberg New Energy Finance Report and the Business Council for Sustainable Energy, "consumers now pay 3% less per

kilowatt-hour for electricity than in 2007."[12] This means the near universal compliance of the Mercury and Air Toxics Standards Rule has been achieved without significant impacts to electricity reliability or affordability, in fact electricity prices have gone down. Do you agree? If not, why not?

Deliberative Process / Ex. 5

c. Even though industry has achieved near universal compliance with the Mercury and Air Toxics Standards and electricity prices have gone down, not up, Administrator Pruitt is currently reviewing whether it is "appropriate and necessary" to issue the standards in the first place. Do you agree that the EPA should be conducting this review, and if so, why?

Deliberative Process / Ex. 5

d. If the EPA determines the agency has not met the "necessary and appropriate" criteria found in Section 112(n), and revokes the Mercury and Air Toxics Standards Rule, what does that mean for all the pollution control technology that has been bought, paid for and running on our power plants that is helping the industry be in full compliance of the rule?

Deliberative Process / Ex. 5

17. 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. Please respond to each sub-part below:
    a. 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?

Deliberative Process / Ex. 5

    b. 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"? If you do not agree, why not?

[12] http://www.bcse.org/wp-content/uploads/2017-Sustainable-Energy-in-America-Factbook-Executive-Summary.pdf

Deliberative Process / Ex. 5

c. Do you agree that the Trump Administration's November 6, 2017 announcement that "the Clean Air Act requires EPA to issue designations [for non-attainment areas] no later than 2 years after the agency sets a new National Ambient Air Quality Standard or revises an existing standard. The Administrator may extend this deadline up to 1 year, if there is insufficient information to designate areas by the 2-year deadline"[13] is accurate? If not, why not?

Deliberative Process / Ex. 5

d. Do you agree that the agency set a new National Ambient Air Quality Standard for ozone on October 1, 2015[14], as was also stated in the Trump Administration's November 6, 2017 announcement? If not, why not?

Deliberative Process / Ex. 5

e. Do you agree that the November 6, 2017 announcement by the Trump Administration stated that "EPA is not extending the time provided under section 107 of the Clean Air Act [to designate non-attainment areas] but is not yet prepared to issue designations"?

Deliberative Process / Ex. 5

f. Do you agree that the Trump Administration has failed to comply with the Clean Air Act by failing to designate ozone non-attainment areas by October 1, 2017 while also choosing not to extend the deadline for such designations to be made?

Deliberative Process / Ex. 5

g. If confirmed, will you commit to not further delay the implementation of the 2015 ozone NAAQS? If not, why not?

Deliberative Process / Ex. 5

18. Do you agree with President Trump's decision to withdraw the United States from the International Paris Climate Accord? If so, please explain.

[13] https://www.epa.gov/sites/production/files/2017-11/documents/fact_sheet_for_final_ozone_designations_round_1.pdf
[14] https://www.epa.gov/ozone-pollution/2015-revision-2008-ozone-national-ambient-air-quality-standards-naaqs-supporting

Deliberative Process / Ex. 5

19. In part of his justifications for withdrawing from the Paris Climate Agreement, President Trump stated the Paris Accord could, "cost America as much as 2.7 million lost jobs by 2025 according to the National Economic Research Associates (NERA)."[15] This economic statistic and others linked to the NERA study were also distributed in White House materials as reasons the President was deciding to withdraw from the Paris Accord. Soon after the President's speech, NERA stated, "In a set of talking points distributed by the White House in conjunction with its announcement of the US withdrawal from the Paris Agreement, the Trump Administration selectively used results from a NERA Economic Consulting study, "Impacts of Greenhouse Gas Regulations on the Industrial Sector." ... Use of results from this analysis as estimates of the impact of the Paris Agreement alone mischaracterizes the purpose of NERA's analysis, which was to explore the challenges of achieving reductions from US industrial sectors over a longer term. Selective use of results from a single implementation scenario and a single year compounds the mischaracterization."[16]
    a. In light of the NERA statement, do you think the President misspoke when he wrongly cited information from the NERA study in his Paris speech? If not, why not?

Deliberative Process / Ex. 5

    b. If confirmed, will you commit that you will not distort the NERA study – or any other economic study - to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?

Deliberative Process / Ex. 5

    c. After the President's Paris Climate Accord speech, MIT's Joint Program on the Science and Policy of Global Change issued a statement stating the President's characterization of their analysis of the Paris Accord to be misleading.[17] If confirmed, will you commit that you will not distort the climate science studies to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?

Deliberative Process / Ex. 5

[15] https://www.whitehouse.gov/the-press-office/2017/06/01/statement-president-trump-paris-climate-accord
[16] http://www.nera.com/news-events/press-releases/2017/nera-economic-consultings-study-of-us-emissions-reduction-polici.html
[17] http://news.mit.edu/2017/mit-issues-statement-research-paris-agreement-0602

20. As you may know, American Indians and Alaska Natives share a unique relationship with the federal government. As part of that relationship, the federal government has a duty to perform meaningful consultation with Indian Tribes and Alaska Native villages regarding issues that affect tribal communities and tribal members. Do you commit to engage in essential and honest consultation with tribes and tribal governments?

Deliberative Process / Ex. 5

21. An article[18] about the President's decision to leave the Paris Climate Agreement in Inside Climate News stated that "Other hardliners include Murray Energy's chief executive Robert Murray and his coal company's lobbyist, Andrew Wheeler, who helped enlist Pruitt to talk to the National Mining Association before it joined the rejection lobby." Is this excerpt accurate? If so, please describe the manner in which you helped "enlist Pruitt to talk to the National Mining Association" and provide any documents you prepared or received that are related to this effort. If not, please describe the inaccuracies.

Deliberative Process / Ex. 5

22. Please provide me with a copy of the following presentations that are listed in the materials you sent the Committee: **Attached are the available presentations as noted.**

    a. How to Conduct Congressional Oversight (2017) **[a copy of handouts used]**
    b. Preparing for the New Administration (2017) **[no materials available]**
    c. The Air Up There: Developments and Opportunities for Clean Air, Coal, Energy and Climate (2016) **[no materials available, agenda attached]**
    d. Preparing for the Change in Administration (2016) **[a copy of handouts used]**
    e. Focusing on What Really Should be Debated: The Cases of Boiler MACT, Utility MACT and CSPAR (2012) **[copy of Powerpoint attached]**
    f. The Waxman-Markey American Clean Energy and Security Act: Cap-and-Trade (2009) **[copy of Powerpoint attached]**

23. Earlier this year, the fiscal year 2018 budget proposal[19] submitted to Congress sought to eliminate the $20 million in funding the EPA provides for the Justice Department's Environment and Natural Resources Division. EPA has historically provided about 27 percent of that office's budget. Do you support such a reduction in funding? Please provide your reasoning and any information you have supporting your answer.

Deliberative Process / Ex. 5

[18] https://insideclimatenews.org/news/05052017/paris-agreement-climate-change-donald-trump-jared-kushner-steve-bannon-clean-power-plan
[19] https://www.documentcloud.org/documents/4061910-EPA-Superfund-reimbursements-to-DOJ-documents.html#document/p7/a378119

24. Since 1987, how much funding has been provided to ENRD by EPA? How much money has DOJ secured through fines, penalties, and commitments to remediate contamination and pollution during this same time period?

Deliberative Process / Ex. 5

25. In September, the EPA Inspector General issued a report titled "EPA's Distribution of Superfund Human Resources Does Not Support Current Regional Workload." It concluded, among other things, that one of the impediments to progress in cleaning up Superfund sites is lack of adequate EPA staff. Do you agree with and accept the conclusions of the IG in this regard? If not, why not?

Deliberative Process / Ex. 5

26. The Administration's budget request proposes to reduce the size of EPA's workforce by approximately 3000 Full Time Employees (FTEs) in FY 2018, including just under 600 FTEs in the Superfund program. Administrator Pruitt has stated that he would like to greatly accelerate the cleanup of hazardous waste sites, in particular Superfund sites. Do you believe that reducing the Superfund workforce by 23 percent will accelerate or reduce the pace of cleanups at Superfund sites across the country?

Deliberative Process / Ex. 5

27. This country just suffered three unusually intense hurricanes in quick succession – including one in your home state of Texas and one that has left the majority of Puerto Rico without electricity and water for weeks. Over 137 wildfires have raged in the West, costing hundreds of billions of dollars in damages and dozens of lost lives. Two weeks ago, the Trump White House released a final (i.e., not draft, as was inaccurately asserted at the hearing) report[20] that concluded that, quote, "it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century." The report also documented increases in sea levels, heatwaves, wildfires, and flooding, and said that, quote, "Changes in the characteristics of extreme events are particularly important for human safety."

    a. Do you accept the evidence that carbon dioxide pollution is causing the earth to warm, that human activity is responsible for that warming, and that with increased warming comes an increased frequency and intensity of extreme flooding,

[20] https://science2017.globalchange.gov/

hurricanes and wildfires? If not, please fully document the basis for such rejection.

Deliberative Process / Ex. 5

b. Do you agree with the report's conclusion that "it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century?" If not, please fully document the basis for your disagreement.

Deliberative Process / Ex. 5

c. Do you agree with the report's documentation that demonstrated increases in sea levels, heatwaves, wildfires, and flooding? If not, please fully document the basis for your disagreement.

Deliberative Process / Ex. 5

28. The CO2 Coalition[21] is a group that promotes misinformation about climate science. In February of this year, Ms. White spoke on a panel hosted by the CO2 Coalition. There she described the CO2 Coalition as, a "very, very meaningful source [of information]," and said that she is "very hopeful because of organizations like the CO2 Coalition." The group also produces 30 second cartoons extolling the virtues of increased levels of CO2 in the atmosphere[22]. Do you agree with Ms. White's statements, and do you agree that the CO2 Coalition is a meaningful source of information on climate change? If not, why not?

Deliberative Process / Ex. 5

29. Can you name one Clean Air Act regulation that was promulgated by the Obama Administration – not a voluntary or grant program – that you do support, and why?

Deliberative Process / Ex. 5

[21] http://co2coalition.org/
[22] https://youtu.be/5Oapr4fopul

30. Are there any other EPA regulations – not a voluntary or grant program - that are on the books today that you support? If so, which ones?

Deliberative Process / Ex. 5

Senator Gillibrand:

31. Cleaning up Superfund sites is a core function of the EPA. However, the Trump Administration proposed cutting the Superfund budget by 30 percent in this year's budget. If enacted, those cuts would imperil the ability of the EPA to clean up the most hazardous contamination in New York and across the country. The longer it takes to clean up Superfund projects, the longer the health of children and families who live near these toxic sites are put at risk. This is immoral, and an abdication of the EPA's responsibility to protect public health. Do you support the cuts to the Superfund program that were in President Trump's budget request?

Deliberative Process / Ex. 5

Senator Inhofe:

32. In 2016, President Obama signed a bi-partisan provision of the WIIN Act allowing states to develop risk-based programs to manage coal ash from power plants. Unfortunately, before the WIIN Act became law, EPA had issued self-implementing coal ash regulations under the RCRA program. Accordingly, the existing EPA regulations do not contain the flexibility and protections established by the WIIN Act. Many groups -- including electric co-ops and public power -- have repeatedly asked EPA to harmonize its existing regulations with the WIIN Act. There is increasing urgency for EPA to act now to allow states the ability regulate coal ash. It is the desire of the states that regulate electric power generating plants to exercise their rights under the WIIN Act. If confirmed, will you pledge to work with me to address this issue?

Deliberative Process / Ex. 5

Senator Merkley:

33. In a recent public disclosure of Administrator Pruitt's calendar of meetings, less than 3% of his meetings were with public health and environmental advocacy organizations, whereas over 25% of his meetings were with industry representatives. Do you believe

this reflects fair and balanced input from public health and environmental advocacy organizations?

Deliberative Process / Ex. 5

34. In the final version of the Fourth National Climate Assessment Report (Volume 1) (found here: (found here: https://science2017.globalchange.gov/downloads/), scientists from EPA and 12 other agencies find that "Global annual average temperature has increased by more than 1.2°F (0.7°C) for the period 1986– 2016 relative to 1901–1960." (Figure ES.1)
    a. Do you agree with this finding?
    b. If you do not agree with this finding, please explain why, and please provide at least one peer reviewed study supporting your stated position.

Deliberative Process / Ex. 5

35. In the hearing you said, "I believe that man has an impact on the planet. What's not completely understood is what the impact is." Yet the Fourth National Climate Assessment finds that "human activities are the primary driver of recent global temperature rise" (Figure ES. 2).
    a. Do you agree with this finding?
    b. If you do not agree with this finding, please explain why, and please provide at least one peer reviewed study supporting your stated position.

Deliberative Process / Ex. 5

36. You told me in our conversation that when it comes to scientific matter, you would defer to career staff and independent scientists. However, recently the EPA banned scientists who have received EPA funding from sitting on the agency's science advisory boards. As a result, many independent scientists were dismissed before they even completed their terms. EPA has not raised similar concerns about potential conflicts of interest for scientists who work for industries that EPA regulates. At the same time, EPA is replacing these scientists with people from the very industries that the EPA is support to regulate.
    a. Do you agree that EPA should bar scientists from serving on its advisory boards simply because they have received funding through EPA grants?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

b. Do you think it is acceptable for someone who receives money from Exxon-Mobil or even from a foreign government to serve but not someone who receives a grant from the agency itself?

Deliberative Process / Ex. 5

c. How is EPA supposed to carry out its mission to protect human health and the environment when it receives scientific advices from the industries that the agency is supposed to regulate?

Deliberative Process / Ex. 5

37. As a lobbyist for Murray Energy, you were present for the preliminary discussions that led to the crafting of the Department of Energy's cost recovery proposal for coal and nuclear plants. You also viewed a three-page memo drafted by Murray to the White House to revive the domestic coal sector. Additionally, you admitted to attending two meetings with DOE and the House Energy and Commerce committee staffers. As the EPA Deputy Administrator, you would be in charge of regulating companies like Murray Energy, one of your former clients. Moving forward, how will you guarantee that the EPA will act in the best interests of the American people rather than in the interests of your former clients?

Deliberative Process / Ex. 5

Senator Sanders:

Climate Change

38. President Trump has suggested in the past that climate change is a hoax. Is the President correct? Is climate change a hoax?

Deliberative Process / Ex. 5

39. Do you agree with the vast majority of scientists that climate change is real, it is caused by human activity, and that we must aggressively transition away from fossil fuels and toward energy efficiency and sustainable energy like wind, solar, and geothermal?

Deliberative Process / Ex. 5

40. Do you agree with the vast majority of scientists that the combustion of fossil fuels contributes to climate change?

Deliberative Process / Ex. 5

41. This past year, we have seen unprecedented devastation from hurricanes Harvey, Irma and Maria plus dozens of wildfires that have ravaged the West.

    a. Do you believe, as the scientific community does, that climate change contributes to the frequency and devastation of these natural disasters?

Deliberative Process / Ex. 5

    b. Congress has already appropriated $51.8 billion to address these disasters, and we intend to continue to work to rebuild communities devastated by the impacts of these disasters. A recent study published in the journal *Science* found that for every degree Celsius the planet warms, there is a loss of roughly 1.2% GDP in the United States. Do you believe that addressing climate change is good economics?

Deliberative Process / Ex. 5

Fossil Fuels

42. In your view, how important is it for the United States to reduce our reliance on fossil fuels?

Deliberative Process / Ex. 5

43. You previously worked at Murray Energy Corporation, a privately-owned coal company. Do you believe the federal government needs to invest more in polluting, finite fossil fuel resources like coal?

Deliberative Process / Ex. 5

44. EPA is tasked with ensuring the health and safety of working people, their families, and the communities in which they live. If confirmed, will you commit to refusing undue influence from special interests and instead fight to protect the environment?

Deliberative Process / Ex. 5

Energy Future

45. In your view, what is the role of renewable energy in our energy future?

Deliberative Process / Ex. 5

46. If confirmed, how will you work to support renewable energy like wind, solar, and geothermal?

Deliberative Process / Ex. 5

47. In your view, what should the United States' energy infrastructure look like at the end of this century? Specifically, what should be our main sources of energy?

Deliberative Process / Ex. 5

Past Career/Conflicts of Interest

48. In the past, you worked for Murray Energy Corporation, which brought suit against the EPA for its enforcement of the clean air and water protections. Can you explain why federal courts should be in the position of determining safe levels of air pollution to protect the health and welfare of Vermonters, as opposed to the federal Agency whose mission it is to protect human and environmental health?

Deliberative Process / Ex. 5

49. Your former clients include Whirlpool Corporation, Bear Head LNG Corporation, Celanese Corporation, Coalition For Domestic Medical Isotope Supply, Darling International, Domestic Fuel Solutions Group, Enterprises Swanco LLC, ICOR International, Insurance Auto Auctions, Inc, KAR Holdings, Murray Energy, Nuclear Energy Institute, Sargento Foods Inc, South Coast Air Quality Management District, and Underwriters Laboratories. If confirmed as Deputy Administrator of the EPA, would you have any conflicts of interest with these companies, or any other companies you represented during your time as a lobbyist? If so, will you commit to recuse yourself for the full course of any matter in which any of your former clients is a party? If not, why not?

Deliberative Process / Ex. 5

50. Murray Energy Corporation paid millions in fines and penalties for contaminating waterways in Ohio, West Virginia and Pennsylvania with coal slurry and discharge during your tenure.

    a. Were you aware this type of environmental contamination was occurring? If you were aware, what actions did you take to address this water contamination? If you were aware of the contamination and did not act, why not? If you were not aware, why not? Do you think it is acceptable for a senior corporate official to lack knowledge of their company's pollution?

Deliberative Process / Ex. 5

    b. Do you believe this type of environmental contamination endangers the health and wellbeing of American citizens?

Deliberative Process / Ex. 5

    c. If confirmed, how will you ensure corporate environmental polluters like Murray Energy Corporation are held accountable?

Deliberative Process / Ex. 5

51. In 2015, Federal regulators accused Murray Energy of attempting to silence whistleblowers and said that "Murray Energy chided 3,500 workers for making too many confidential safety complaints to regulators and -- at one of the mines -- threatened to retaliate by closing down operations."

a. If confirmed, how will you work to prevent retaliation against whistle blowers who help the federal government enforce the nation's environmental laws?

Deliberative Process / Ex. 5

b. Were you aware of this behavior? If you were aware, what did you to do ensure Murray complied with environmental laws and took whistleblower complaints seriously? If you were not aware, how will you ensure EPA employee's concerns are taken seriously, if confirmed?

Deliberative Process / Ex. 5

52. You criticized the Paris Climate Agreement, calling it a "sweetheart deal" for China that gave the United States' competitor a manufacturing edge. China is still in the deal, and their climate policies are rapidly outpacing ours. China is moving away from dirty fossil fuels at a rate much quicker than the United States, and they are on track to more than double their renewable energy infrastructure and get a fifth of their energy from non-fossil fuel sources by 2030.
    a. If both countries remain on their current paths, China will soon replace us as the world's technological and economic leader in the fields of climate science and energy generation. Do you believe we should continue to allow China to out-compete us in these areas?

Deliberative Process / Ex. 5

    b. Should the U.S. be concerned that China is rapidly outpacing us in these areas? Do you recognize that China's leadership in these fields represents a threat to our economy and national security?

Deliberative Process / Ex. 5

    c. The Carnegie Mellon Institute estimates that air pollution from energy production caused at least $131 billion in damages in the U.S. alone. Do you think this financial drain threatens our ability to compete with countries like China on the international scale?

Deliberative Process / Ex. 5

Science

53. If confirmed, do you commit to relying on independent scientists with relevant expertise to evaluate and review the data that the EPA uses when making decisions related to the implementation of environmental regulations?

Deliberative Process / Ex. 5

Most Pressing Challenges

54. In your opinion, what are the most pressing environmental challenges that deserve the attention of the EPA? If confirmed, what will you do at the EPA to better address these challenges?

Deliberative Process / Ex. 5

Environmental Regulations

55. If confirmed, do you commit to upholding the goal of the Clean Air Act, which according to the EPA website is "to address the public health and welfare risks posed by certain widespread air pollutants"?

Deliberative Process / Ex. 5

56. Do you support EPA Administrator Pruitt's decision to rescind the Clean Power Plan?

Deliberative Process / Ex. 5

57. 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."

    a. Do you agree with the EPA's findings? If you do agree or are unfamiliar with these data, do you agree that, if the EPA's estimations are correct, we have a moral imperative to maintain the Clean Power Plan and protect the thousands of people that it positively impacts? If you do not agree with the EPA's findings, on which data or scientific studies do you base your opinion?

Deliberative Process / Ex. 5

    b. If confirmed, what will you tell the parents who have children with asthma that will be adversely impacted by Administrator Pruitt's decision to rescind the Clean Power Plan?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

58. Oil and natural gas extraction by way of hydraulic fracturing, or "fracking," has expanded rapidly in the United States. The EPA conducted a study of the 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."
    a. Do you concur with the conclusions of the EPA's final report on fracking and drinking water?

Deliberative Process / Ex. 5

    b. What further studies—if any—do you believe would be appropriate for the EPA to conduct on the effects of fracking on water quality?

Deliberative Process / Ex. 5

    c. If confirmed, would you support implementing a requirement to provide full, well-specific public disclosure of all information related to oil and gas development involving fracking's possible impacts on groundwater, surface water, public health and safety, and habitat potential impacts?

Deliberative Process / Ex. 5

59. 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.

Given this scientific confirmation of the positive effects of these regulations, what will you do, if confirmed, to continue to accelerate the clean-up of all sources of mercury emissions, including from coal power plants?

Deliberative Process / Ex. 5

60. 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. If confirmed, how will you work as Deputy Administrator to support water resource management programs that address these issues?

Deliberative Process / Ex. 5

Environmental Justice

61. How do you define "environmental justice"?

Deliberative Process / Ex. 5

62. Do you think environmental justice is a serious issue that the EPA should address?

Deliberative Process / Ex. 5

63. If confirmed, will you commit to addressing the growing environmental and economic justice issues associated with exposure to environmental pollution?

Deliberative Process / Ex. 5

64. Latino children are twice as likely as non-Latino white children to die from asthma while, from 2012-2014, African American children had a death rate ten times that of non-Latino white children. African American children are three times as likely to suffer an asthma attack. As Deputy Administrator, how will you work to protect vulnerable low-income communities and communities of color from the harmful impacts of air pollution?

Deliberative Process / Ex. 5

65. Describe how you will, if confirmed, ensure that EPA's Environmental Justice 2020 plan is fully implemented.

Deliberative Process / Ex. 5

66. If confirmed, do you commit to meeting with community members and leaders who have concerns about environmental or health issues within the EPA's jurisdiction?

Deliberative Process / Ex. 5

67. If confirmed, what steps will you take as Deputy Administrator to ensure that the EPA and other federal agencies are complying with Executive Order 12989 on Environmental Justice?

Deliberative Process / Ex. 5

68. If confirmed, will you commit to addressing issues of environmental justice in Native American communities and offer a voice to those most affected by the environmental consequences of industrialization, especially in regard to resources protected by treaties?

Deliberative Process / Ex. 5

Vermont

69. 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 is important to Vermonters. Run-off – including from farmlands, lawns, and paved roads and point source pollution – contributes to high levels of phosphorus that spur algae growth. The algae turns the lake green and can be toxic. In 2016, the EPA released new phosphorus limits for the lake by establishing a Total Maximum Daily Load (TMDL).
    a. If confirmed, do you commit to continuing the Agency's support for the clean-up of Lake Champlain through this new TMDL and federal funding?

Deliberative Process / Ex. 5

    b. Will you, if confirmed, support increased funding and support from the EPA to crack down on pollution? If not, how will you ensure Clean Water Act obligations are satisfied?

Deliberative Process / Ex. 5

<u>Senator Sullivan:</u>

Permitting:

70. The EPA has jurisdiction over permitting for discharges of effluent into water and emissions into the air. They also administer registration and use safety testing for chemicals in commerce as well as tracking disposal of waste cradle to grave to sanitary landfills as opposed to open dumps. Permits and authorizations pursuant to these authorities add time and regulatory requirements to business and infrastructure project. A key concern in recent years has been the increasing amount of delays to do extended permitting application reviews and environmental challenges to issued permits. EPA

must find ways to more efficiently permit projects in a manner that can survive legal scrutiny and provide greater certainty to project proponents and citizens.

a. Will you work as Deputy Administrator to modernize EPA's permitting reviews while maintaining adequate environmental protections?

Deliberative Process / Ex. 5

b. Will you work with other agencies to ensure interagency coordination is done in a timely manner?

Deliberative Process / Ex. 5

c. How can the EPA, ensure that it makes timely decisions while limiting environmental impacts from a permitted discharge?

Deliberative Process / Ex. 5

ANCSA Contaminated Lands

71. In 1971, Congress enacted the Alaska Native Claims Settlement Act to settle aboriginal land claims. Earlier this year this Committee held a hearing regarding the legacy of federal contaminated lands and the challenge we face in cleaning them up. One of the witnesses at that hearing testified about the particular challenges in addressing contaminated lands that were conveyed under ANCSA to Alaska native corporations and villages. These are lands the government gave to these Native Alaskans as a settlement that were in fact contaminated before the native corporations and villages took possession. 46 years later, the majority of those contaminated sites have not been remediated and, under current law, Alaska Native entities that received those lands can be liable under for costs associated with cleaning up those lands.

a. Do you recognized that these issues are fundamental problem for the Alaska Native community?

Deliberative Process / Ex. 5

b. Can you commit to work to address and prioritize cleanup of ANCSA contaminated lands within the EPA and coordinating/communicating with other federal agencies including The Army Corps and Department of the Interior?

Deliberative Process / Ex. 5

Senator Whitehouse:

72. You agreed in your ethics agreement that if confirmed you will sign the Trump ethics pledge. The pledge prohibits appointees from "participat[ing] in any particular matter involving specific parties that is directly and substantially related to [their] former employer or former clients" for the first two years after their appointment. The pledge also prohibits you from participating in any particular matter, and more broadly the issue area in which that particular matter falls, on which you lobbied within the two years before your appointment.
    a. Do you commit to abide by the pledge and not seek a waiver to participate in matters that you would otherwise be recused from?

Deliberative Process / Ex. 5

    b. You've worked against EPA during your time at Faegre Baker Daniels LLP. To ensure compliance with the pledge, please provide all of Faegre Baker Daniels LLP clients and cases or work from the past two years, noting all clients with whom you've worked, cases on which you've worked, and regulatory work you've done?

Deliberative Process / Ex. 5

    c. Will you also recuse yourself from matters that your client Bob Murray included on his three-page environmental agenda?

Deliberative Process / Ex. 5

73. Energy Secretary Rick Perry directed FERC to initiate a rulemaking that would effectively subsidize the coal industry in the name of ensuring grip reliability. The proposal has been criticized by environmental groups, natural gas companies, solar and wind companies, former Republican FERC commissioners, the American Petroleum Institute, and even the regional grid operators. And research by the Center for American Progress outline that ratepayers would be on the hook for this bailout.

a. At your confirmation hearing, you acknowledged that you knew about this proposal in your role as a Murray Energy lobbyist. What exactly was your involvement in the development of this proposal?

Deliberative Process / Ex. 5

b. If the proposal comes before EPA in any manner, will you recuse yourself from any role or involvement on it?

Deliberative Process / Ex. 5

c. In your opinion, how would Perry's proposal, if approved by FERC, benefit Murray's coal mining assets?

Deliberative Process / Ex. 5

74. EPA Administrator Pruitt recently told CNBC that "I would not agree that [carbon dioxide is] a primary contributor to the global warming that we see." Do you agree with his statement?

Deliberative Process / Ex. 5

75. Have you reviewed EPA's endangerment finding for carbon dioxide? If not, will you commit to reviewing it before the Committee votes on your nomination?

Deliberative Process / Ex. 5

76. Do you agree with each of the following statements included in the U.S. Global Change Research Program's recent Climate Science Special Report?
    a. "Human-caused climate change has made a substantial contribution to [sea level rise] since 1900, contributing to a rate of rise that is greater than during any preceding century in at least 2,800 years." (page 10)
    b. "The magnitude of climate change beyond the next few decades will depend primarily on the amount of greenhouse gases (especially carbon dioxide) emitted globally." (page 11)
    c. "There is broad consensus that the further and faster the Earth system is pushed towards warming, the greater the risk of unanticipated changes and impacts, some of which are potentially large and irreversible." (page 11)

d. "The world's oceans are currently absorbing more than a quarter of the CO_2 emitted to the atmosphere annually from human activities, making them more acidic (*very high confidence*), with potential detrimental impacts to marine ecosystems." (page 28)
e. "The rate of acidification is unparalleled in at least the past 66 million years." (page 28)
f. "This assessment concludes, based on extensive evidence, that it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century. For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence." (page 10)
g. "Human activities are now the dominant cause of the observed trends in climate." (page 36)
h. "[T]here are no suggested factors, even speculative ones that can explain the timing or magnitude and that would somehow cancel out the role of human factors." (page 37)

Deliberative Process / Ex. 5

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/4/2017 9:38:51 PM
To: David Ross [Ex. 6] Dourson, Michael (doursoml) [doursoml@ucmail.uc.edu]; Leopold, Matthew Z. [MLeopold@carltonfields.com]; wwehrum@hunton.com
CC: Troy Lyons (lyons.troy@epa.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Aaron Ringel (ringel.aaron@epa.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Rodrick, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6515dbe46dae466da53c8a3aa3be8cc2-Rodrick, Ch]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: QFR Process/Tips
Attachments: 2017.10.04 - EPA QFR Process.docx

Hi All,

First off, terrific job! Today was a huge success. Next step will be responding to the QFR's the committee will send us for you all to answer. We will receive them by COB Friday and they will need to be completed by **COB next Thursday October 12th**. In an effort to have an efficient process we have put together attached (and below) QFR Process and tips sheet to help you.

As always please let us know if you have any questions. Enjoy celebrating the successful hearing this evening!

EPA Nominee Questions for the Record Response Process
October 4th, 2017

Background:

At 10 am on Wednesday, October 4th, 2017, the Senate Committee on Environment and Public (EPW) works held a full committee hearing entitled, *Hearing on the Nominations of Michael Dourson, Matthew Leopold, David Ross, and William Wehrum to be Assistant Administrators of the Environmental Protection Agency, and Jeffery Baran to be a Member of the Nuclear Regulatory Commission.* The following document provides a brief outline of the process that will be undertaken to respond to the corresponding questions for the record (QFR).

Overview:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tips for drafting responses to QFRs:

Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Office of Congressional &
Intergovernmental Relations

EPA Nominee Questions for the Record Response Process
October 4th, 2017

Background:

At 10 am on Wednesday, October 4th, 2017, the Senate Committee on Environment and Public (EPW) works held a full committee hearing entitled, *Hearing on the Nominations of Michael Dourson, Matthew Leopold, David Ross, and William Wehrum to be Assistant Administrators of the Environmental Protection Agency, and Jeffery Baran to be a Member of the Nuclear Regulatory Commission.* The following document provides a brief outline of the process that will be undertaken to respond to the corresponding questions for the record (QFR).

Overview:

Deliberative Process / Ex. 5

Tips for drafting responses to QFRs:

Deliberative Process / Ex. 5

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/14/2017 12:18:16 AM
To: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: RE: QFR's
Attachments: ALL QFR's Wheeler 11.08.2017-Answers.docx

Done. What else do you need? Deliberative Process / Ex. 5 Ex. 6

Andrew R. Wheeler
Principal
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Monday, November 13, 2017 3:20 PM
To: Wheeler, Andrew R.
Cc: Lyons, Troy; Shimmin, Kaitlyn; Frye, Tony (Robert)
Subject: QFR's

Hi Andrew,

Attached are your QFR's from EPW Committee (only 76, not too bad!) and Deliberative Process / Ex. 5 Deliberative Process / Ex. 5 I have put the QFR process timeline below and please let us know if you have any questions.

- Deliberative Process / Ex. 5

We will be developing draft answers on some of the more specific office questions with program staff as well to combine or supplement your draft answers, if there are questions you are not sure of specifically please flag for us.

Best Regards,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944

C: **Ex. 6**
E: *Palich.Christian@epa.gov*

Senate Committee on Environment and Public Works
Hearing entitled *"Hearing on the Nominations of Kathleen Hartnett White to be Member of the Council on Environmental Quality and Andrew Wheeler to be Deputy Administrator of the Environmental Protection Agency."*
November 8, 2017
Questions for the Record for Mr. Andrew Wheeler

Ranking Member Carper:

Please provide a response to each question, ***including each sub-part.***

1. For decades, both Republican and Democratic administrations alike have had written policies limiting White House contacts with agencies that have investigatory and enforcement responsibilities. These policies have recognized that even a simple phone call from the White House to an agency inquiring about or flagging a specific matter can upset the evenhanded application of the law. I recently learned that Devon Energy, a strong political supporter of Administrator Pruitt's, informed the EPA just 5 days after Mr. Pruitt was sworn in as Administrator that it was no longer willing to install air pollution technology or pay a high penalty to EPA for its illegal air emissions of cancer-causing benzene and other chemicals. We also know that Trump family casinos, hotels and golf courses have been the subject of EPA enforcement actions for violations of the Clean Air Act and Clean Water Act.
   a. Do you agree that it is essential that in making decisions, EPA must be shielded from political influence and spared even the appearance of being subject to political influence or considerations?

      Deliberative Process / Ex. 5

   b. Will you commit to restricting communications between EPA and the White House staff regarding specific matters under the authority of EPA?

      Deliberative Process / Ex. 5

   c. Will you commit to ensuring the staff of EPA is familiar with those restrictions?

      Deliberative Process / Ex. 5

   d. Will you commit to advising this Committee within one week if any inappropriate communications from White House staff to EPA staff, including you, occur?

      Deliberative Process / Ex. 5

2. Recently, EPA conducted "anti-leaking" training for its employees[1]. According to EPA sources, the briefing stated that "Prohibitions we will discuss do not refer to "Whistleblowing". Agency employees have the right to make lawful disclosures to anyone, including, for example, management officials, the Inspector General, and/or the Office of Special Counsel. Employees may make disclosures to the EPA Office of the Inspector General through the EPA OIG Hotline at 888-546-8740." This presentation evidently failed to note the rights of federal employees have to make disclosures to Congress.
   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 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.
   a. If you are confirmed, will you commit to protect the rights of all career employees in EPA to make lawful disclosures, including their right to speak with Congress?

      Deliberative Process / Ex. 5

   b. Will you commit to communicate employees' whistleblower rights via email to all EPA employees within a week of being sworn in?

      Deliberative Process / Ex. 5

3. In the wake of Hurricane Irma, at least 11 deaths and numerous injuries have been reported in Florida due to accidental carbon monoxide poisoning from gasoline-powered

[1] https://www.washingtonpost.com/politics/whitehouse/federal-employees-are-ordered-to-attend-anti-leaking-classes/2017/09/21/032b40d6-9edd-11e7-b2a7-bc70b6f98089_story.html?utm_term=.e2bfc5e54d95

portable generators.[2] One additional death has also been reported in North Carolina, along with other injuries throughout the Southeastern United States.[3] Many of these deaths and injuries could have been prevented had stronger safety standards been in place for portable gasoline generators. In November 2016, the U.S. Consumer Product Safety Commission (CPSC), following years of work on the issue, voted to issue a Notice of Proposed Rulemaking (NPRM) to implement a mandatory safety standard for portable generators.[4] Since then, Administrator Pruitt and Acting CPSC Chairman Buerkle have separately opined that section 213 of the Clean Air Act precludes CPSC action.

a. Section 213 of the Clean Air Act is intended to regulate emissions from non-road engines or vehicles when the EPA determines that such emissions "are significant contributors to ozone or carbon monoxide concentrations in more than 1 area which has failed to attain the national ambient air quality standards for ozone or carbon monoxide." In your opinion, would the occasional indoor use of portable generators following a power outage be likely to be a significant contributor to ambient carbon monoxide concentrations in more than 1 area that has failed to attain the national ambient air quality standards for carbon monoxide? Why or why not?

Deliberative Process / Ex. 5

b. There are currently no areas in the United States that have failed to attain the national ambient air quality standards for carbon monoxide, and this has been the case since 2010[5]. As a matter of law, could section 213 of the Clean Air Act be used to regulate carbon monoxide emissions due to the indoor use of portable generators if there are no areas in the United States that fail to attain the national ambient air quality standards for carbon monoxide? Why or why not?

Deliberative Process / Ex. 5

4. Your ethics agreement states that you "for a period of one year after my resignation, I also will not participate personally and substantially in any particular matter involving specific parties in which I know the firm is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. 2635.502(d). In addition, I will not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. 2635.502(d)."

---

[2] http://www.miamiherald.com/news/weather/hurricane/article174097351.html http://www.sun-sentinel.com/news/weather/hurricane/sfl-carbon-monoxide-deaths-20170914-story.html

[3] http://www.charlotteobserver.com/news/article173612361.html

[4] https://www.federalregister.gov/documents/2016/11/21/2016-26962/safety-standard-for-portable-generators

[5] https://www.epa.gov/green-book/green-book-carbon-monoxide-1971-area-information

a. Please provide a list of all such particular matters involving specific parties that you will either need to recuse yourself from or seek authorization to participate in. For each such particular matter, please also indicate whether you plan to seek authorization to participate.

Deliberative Process / Ex. 5

b. 5 C.F.R 2635.502(a) states that:

> "where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee in accordance with paragraph (d) of this section."

Do you agree that you or your firm's representation of clients in particular matters that are before EPA would cause a reasonable person with knowledge of the relevant facts to question your impartiality if you are confirmed and continue to participate either in the particular matter itself or in an administrative action designed to accomplish the identical outcome the particular matter was intended to accomplish? Why or why not?

Deliberative Process / Ex. 5

5. Do you intend to seek a waiver to participate in non-public meetings with your former clients or your firm's clients if you are confirmed? If so, please list which clients you intend to seek such waivers to meet with and explain will why this would not cause a reasonable person with knowledge of the relevant facts to question your impartiality in the matter at hand.

Deliberative Process / Ex. 5

6. On February 28, 2017, President Trump directed EPA and the Army Corps to review and possibly rescind or repeal the Clean Water Rule in Executive Order 13776. EPA recently ended the public comment process on the first step of a two-step process to repeal the rule and replace it with a rule that will protect far fewer sources of drinking water. Individuals with first-hand knowledge of the process EPA utilized to prepare its have informed my staff that:

    i) When EPA first submitted the proposed repeal rule to OMB, the draft stated that the agency would undertake a new cost-benefit analysis as part of the second step of its process.
    ii) OMB interpreted EPA's first proposal to mean that the rule's repeal would not avoid any costs to industry or have any economic impact at all. EPA's political staff then directed the career staff to undertake a new economic analysis. In response to this direction from OMB, EPA career staff reportedly changed the table included in the 2015 rule to a) reflect 2016 dollars instead of 2014 dollars, b) convert "annual costs incurred" under the Clean Water Rule to "annual costs avoided" due to its repeal and c) convert "annual benefits gained" under the Clean Water Rule to "annual benefits forgone" due to its repeal. This new table was sent to OMB on June 8, 2017.
    iii) OMB correctly concluded from EPA's June 8 submittal that repealing the rule would cost more in lost benefits than it would save industry in compliance costs. On June 13, 2017, presumably to avoid such an admission on the part of EPA, EPA career staff were verbally directed by political staff to solve this 'problem' by simply deleting the majority of the benefits of the rule from the table and re-submitting it to OMB, which they did[6].

The direction that was reportedly provided to the EPA career staff to make the various revisions to what was submitted to OMB was verbal, not written.

a. If you are confirmed, do you commit to ensure that career staff at EPA will receive appropriately documented, rather than verbal, direction from political officials before they take action? If not, why not?

Deliberative Process / Ex. 5

b. You said in the hearing that it would be wrong to direct career staff to break the law. Assuming that the events described to my staff occurred as described (and understanding that you don't have any specific knowledge about these events), is it your view that this may have been an instance in which career staff were directed to break the law? Why or why not?

[6] https://www.epa.gov/sites/production/files/2017-06/documents/economic_analysis_proposed_step1_rule.pdf See Table 1

Deliberative Process / Ex. 5

7. Do you agree to provide complete, accurate and timely responses to requests for information submitted to you by any Member of the Environment and Public Works Committee? If not, why not?

Deliberative Process / Ex. 5

8. Recently, EPA announced that Administrator Pruitt would be publishing brief summaries of his calendars biweekly, after dozens of Freedom of Information Act requests for this information as well as a March request by me and my colleagues that he do so. During the Obama Administration, the Administrator, regional Administrators and all those serving in confirmed roles published their calendars daily[7]. If you are confirmed, will you commit to publishing your calendars daily? If not, why not?

Deliberative Process / Ex. 5

9. In a *per curiam* opinion, the U.S. Circuit Court of Appeals for the District of Columbia affirmed the Endangerment Finding and the U.S. Supreme Court declined to issue a writ of certiorari on the D.C. Circuit's decision. The Endangerment Finding set in motion EPA's legal obligations to set greenhouse gas emissions standards for mobile and stationary sources, including those established by the Clean Power Plan in August 2015.[8] During an exchange with Senator Gillibrand during Administrator Pruitt's confirmation hearing before the Environment and Public Works Committee, he stated, "I believe that the EPA, because of the Mass v. EPA case and the endangerment finding, has obligations to address the CO2 [carbon dioxide] issue." Do you agree with Administrator Pruitt's statement? Why or why not?

Deliberative Process / Ex. 5

10. In December 2007, President Bush's EPA proposed to declare greenhouse gases as a danger to public welfare through a draft Endangerment Finding, stating, "The Administrator proposes to find that the air pollution of elevated levels of greenhouse gas (GHG) concentrations may reasonably be anticipated to endanger public welfare…Carbon dioxide is the most important GHG (greenhouse gas) directly emitted by human activities, and is the most significant driver of climate change." [9] Do you agree with these statements? Why or why not?

Deliberative Process / Ex. 5

11. The Rule of Law Defense Fund is an affiliate of the Republican Attorneys General

[7] https://yosemite.epa.gov/opa/admpress.nsf/Calendars?OpenView
[8] https://www.epa.gov/climatechange/us-court-appeals-dc-circuit-upholds-epas-action-reduce-greenhouse-gases-under-clean
[9] https://insideclimatenews.org/sites/default/files/2007_Draft_Proposed_Endangerment_Finding.pdf

Association. Have you ever contributed any money or time to the Rule of Law Defense Fund? If so, please provide details.

Deliberative Process / Ex. 5

12. In the *White Stallion Energy Center v. EPA, February 2012,* industry argued, "the record does not support EPA's findings that mercury, non-mercury HAP metals, and acid gas HAPs [hazardous air pollutants] pose public health hazards."[10] Do you agree with this statement? Why or why not?

Deliberative Process / Ex. 5

13. On April 17, 2012, Dr. Jerome Paulson, Chair, Council on Environmental Health, American Academy of Pediatrics, testified before the EPW Committee, stating, "Methyl mercury causes localized death of nerve cells and destruction of other cells in the developing brain of an infant or fetus. It interferes with the movement of brain cells and the eventual organization of the brain…The damage it [methylmercury] causes to an individual's health and development is permanent and irreversible. …There is no evidence demonstrating a "safe" level of mercury exposure, or a blood mercury concentration below which adverse effects on cognition are not seen. Minimizing mercury exposure is essential to optimal child health."[11]
    a. Do you agree with the American Academy of Pediatrics' finding on the importance of minimizing mercury exposures for child health? If not, please cite the scientific studies that support your disagreement.

Deliberative Process / Ex. 5

    b. Do you agree the record supports EPA's findings that mercury, non-mercury hazardous air pollutant metals, and acid gas hazardous air pollutants emitted from uncontrolled power plants pose public health hazards? If not, why not?

Deliberative Process / Ex. 5

    c. Do you agree it is currently difficult to monetize the reduced risk of human health and ecological benefits from reducing mercury emissions from power plants? If so, please explain. If not, why not? If these costs cannot be calculated, are the risks still real?

Deliberative Process / Ex. 5

14. The US Supreme Court has expressly declined to consider whether EPA should have

[10] https://www.cadc.uscourts.gov/internet/opinions.nsf/284AC47088C07D0985257CBB004F0795/%24file/12-1100-1488346.pdf
[11] https://www.epw.senate.gov/public/_cache/files/4/3/4324fd62-dc89-4820-bd93-ff3714fcbe30/01AFD79733D77F24A71FEF9DAFCCB056.41712hearingwitnesstestimonypaulson.pdf

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?

Deliberative Process / Ex. 5

15. Do you agree that the EPA's recent consideration of the costs of the Mercury and Air Toxics Standards Rule 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?

Deliberative Process / Ex. 5

16. The Edison Electric Institute (EEI), the association that represents all U.S. investor-owned electric companies, has told my staff that, to its knowledge, all of its member companies have fully implemented the Mercury and Air Toxics Standards Rule. EPA staff has reported to my staff something similar. The Mercury and Air Toxics Standards Rule protects our children from harmful mercury and air toxics pollution; and by industry accounts is already being met with technology that is already bought, paid for and running on almost all our power plants.
    a. Do you dispute reports that nearly all covered facilities are already in compliance with the Mercury and Air Toxics Standards? If so, please explain.

    Deliberative Process / Ex. 5

    b. According to a recent report by Bloomberg New Energy Finance Report and the Business Council for Sustainable Energy, "consumers now pay 3% less per kilowatt-hour for electricity than in 2007."[12] This means the near universal compliance of the Mercury and Air Toxics Standards Rule has been achieved without significant impacts to electricity reliability or affordability, in fact electricity prices have gone down. Do you agree? If not, why not?

    Deliberative Process / Ex. 5

    c. Even though industry has achieved near universal compliance with the Mercury and Air Toxics Standards and electricity prices have gone down, not up, Administrator Pruitt is currently reviewing whether it is "appropriate and necessary" to issue the standards in the first place. Do you agree that the EPA should be conducting this review, and if so, why?

Deliberative Process / Ex. 5

[12] http://www.bcse.org/wp-content/uploads/2017-Sustainable-Energy-in-America-Factbook-Executive-Summary.pdf

d. If the EPA determines the agency has not met the "necessary and appropriate" criteria found in Section 112(n), and revokes the Mercury and Air Toxics Standards Rule, what does that mean for all the pollution control technology that has been bought, paid for and running on our power plants that is helping the industry be in full compliance of the rule?

Deliberative Process / Ex. 5

17. 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. Please respond to each sub-part below:

a. 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?

Deliberative Process / Ex. 5

b. 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"? If you do not agree, why not?

Deliberative Process / Ex. 5

c. Do you agree that the Trump Administration's November 6, 2017 announcement that "the Clean Air Act requires EPA to issue designations [for non-attainment areas] no later than 2 years after the agency sets a new National Ambient Air Quality Standard or revises an existing standard. The Administrator may extend this deadline up to 1 year, if there is insufficient information to designate areas by the 2-year deadline"[13] is accurate? If not, why not?

Deliberative Process / Ex. 5

d. Do you agree that the agency set a new National Ambient Air Quality Standard for ozone on October 1, 2015[14], as was also stated in the Trump Administration's November 6, 2017 announcement? If not, why not?

Deliberative Process / Ex. 5

e. Do you agree that the November 6, 2017 announcement by the Trump Administration stated that "EPA is not extending the time provided under

[13] https://www.epa.gov/sites/production/files/2017-11/documents/fact_sheet_for_final_ozone_designations_round_1.pdf
[14] https://www.epa.gov/ozone-pollution/2015-revision-2008-ozone-national-ambient-air-quality-standards-naaqs-supporting

section 107 of the Clean Air Act [to designate non-attainment areas] but is not yet prepared to issue designations"?

Deliberative Process / Ex. 5

f. Do you agree that the Trump Administration has failed to comply with the Clean Air Act by failing to designate ozone non-attainment areas by October 1, 2017 while also choosing not to extend the deadline for such designations to be made?

Deliberative Process / Ex. 5

g. If confirmed, will you commit to not further delay the implementation of the 2015 ozone NAAQS? If not, why not?

Deliberative Process / Ex. 5

18. Do you agree with President Trump's decision to withdraw the United States from the International Paris Climate Accord? If so, please explain.

Deliberative Process / Ex. 5

19. In part of his justifications for withdrawing from the Paris Climate Agreement, President Trump stated the Paris Accord could, "cost America as much as 2.7 million lost jobs by 2025 according to the National Economic Research Associates (NERA)."[15] This economic statistic and others linked to the NERA study were also distributed in White House materials as reasons the President was deciding to withdraw from the Paris Accord. Soon after the President's speech, NERA stated, "In a set of talking points distributed by the White House in conjunction with its announcement of the US withdrawal from the Paris Agreement, the Trump Administration selectively used results from a NERA Economic Consulting study, "Impacts of Greenhouse Gas Regulations on the Industrial Sector." ... Use of results from this analysis as estimates of the impact of the Paris Agreement alone mischaracterizes the purpose of NERA's analysis, which was to explore the challenges of achieving reductions from US industrial sectors over a longer term. Selective use of results from a single implementation scenario and a single year compounds the mischaracterization."[16]

a. In light of the NERA statement, do you think the President misspoke when he wrongly cited information from the NERA study in his Paris speech? If not, why not?

Deliberative Process / Ex. 5

b. If confirmed, will you commit that you will not distort the NERA study – or any other economic study - to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?

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[15] https://www.whitehouse.gov/the-press-office/2017/06/01/statement-president-trump-paris-climate-accord

[16] http://www.nera.com/news-events/press-releases/2017/nera-economic-consultings-study-of-us-emissions-reduction-polici.html

Deliberative Process / Ex. 5

c. After the President's Paris Climate Accord speech, MIT's Joint Program on the Science and Policy of Global Change issued a statement stating the President's characterization of their analysis of the Paris Accord to be misleading.[17] If confirmed, will you commit that you will not distort the climate science studies to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?

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20. As you may know, American Indians and Alaska Natives share a unique relationship with the federal government. As part of that relationship, the federal government has a duty to perform meaningful consultation with Indian Tribes and Alaska Native villages regarding issues that affect tribal communities and tribal members. Do you commit to engage in essential and honest consultation with tribes and tribal governments?

Deliberative Process / Ex. 5

21. An article[18] about the President's decision to leave the Paris Climate Agreement in Inside Climate News stated that "Other hardliners include Murray Energy's chief executive Robert Murray and his coal company's lobbyist, Andrew Wheeler, who helped enlist Pruitt to talk to the National Mining Association before it joined the rejection lobby." Is this excerpt accurate? If so, please describe the manner in which you helped "enlist Pruitt to talk to the National Mining Association" and provide any documents you prepared or received that are related to this effort. If not, please describe the inaccuracies.

Deliberative Process / Ex. 5

22. Please provide me with a copy of the following presentations that are listed in the materials you sent the Committee: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

[17] http://news.mit.edu/2017/mit-issues-statement-research-paris-agreement-0602

[18] https://insideclimatenews.org/news/05052017/paris-agreement-climate-change-donald-trump-jared-kushner-steve-bannon-clean-power-plan

23. Earlier this year, the fiscal year 2018 budget proposal[19] submitted to Congress sought to eliminate the $20 million in funding the EPA provides for the Justice Department's Environment and Natural Resources Division. EPA has historically provided about 27 percent of that office's budget. Do you support such a reduction in funding? Please provide your reasoning and any information you have supporting your answer.

Deliberative Process / Ex. 5

24. Since 1987, how much funding has been provided to ENRD by EPA? How much money has DOJ secured through fines, penalties, and commitments to remediate contamination and pollution during this same time period?

Deliberative Process / Ex. 5

25. In September, the EPA Inspector General issued a report titled "EPA's Distribution of Superfund Human Resources Does Not Support Current Regional Workload." It concluded, among other things, that one of the impediments to progress in cleaning up Superfund sites is lack of adequate EPA staff. Do you agree with and accept the conclusions of the IG in this regard? If not, why not?

Deliberative Process / Ex. 5

26. The Administration's budget request proposes to reduce the size of EPA's workforce by approximately 3000 Full Time Employees (FTEs) in FY 2018, including just under 600 FTEs in the Superfund program. Administrator Pruitt has stated that he would like to greatly accelerate the cleanup of hazardous waste sites, in particular Superfund sites. Do you believe that reducing the Superfund workforce by 23 percent will accelerate or reduce the pace of cleanups at Superfund sites across the country?

Deliberative Process / Ex. 5

27. This country just suffered three unusually intense hurricanes in quick succession – including one in your home state of Texas and one that has left the majority of Puerto Rico without electricity and water for weeks. Over 137 wildfires have raged in the West, costing hundreds of billions of dollars in damages and dozens of lost lives. Two weeks ago, the Trump White House released a final (ie, not draft, as was inaccurately asserted at the hearing) report[20] that concluded that, quote, "it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century." The report also documented increases in sea levels, heatwaves, wildfires, and flooding, and said that, quote, "Changes in the characteristics of extreme events are particularly important for human safety."

[19] https://www.documentcloud.org/documents/4061910-EPA-Superfund-reimbursements-to-DOJ-documents.html#document/p7/a378119
[20] https://science2017.globalchange.gov/

a. Do you accept the evidence that carbon dioxide pollution is causing the earth to warm, that human activity is responsible for that warming, and that with increased warming comes an increased frequency and intensity of extreme flooding, hurricanes and wildfires? If not, please fully document the basis for such rejection.

Deliberative Process / Ex. 5

b. Do you agree with the report's conclusion that "it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century?" If not, please fully document the basis for your disagreement.

Deliberative Process / Ex. 5

c. Do you agree with the report's documentation that demonstrated increases in sea levels, heatwaves, wildfires, and flooding? If not, please fully document the basis for your disagreement.

Deliberative Process / Ex. 5

28. The CO2 Coalition[21] is a group that promotes misinformation about climate science. In February of this year, Ms. White spoke on a panel hosted by the CO2 Coalition. There she described the CO2 Coalition as, a "very, very meaningful source [of information]," and said that she is "very hopeful because of organizations like the CO2 Coalition." The group also produces 30 second cartoons extolling the virtues of increased levels of CO2 in the atmosphere[22]. Do you agree with Ms. White's statements, and do you agree that the CO2 Coalition is a meaningful source of information on climate change? If not, why not?

Deliberative Process / Ex. 5

29. Can you name one Clean Air Act regulation that was promulgated by the Obama Administration – not a voluntary or grant program – that you do support, and why?

Deliberative Process / Ex. 5

[21] http://co2coalition.org/
[22] https://youtu.be/5Oapr4fopuI

30. Are there any other EPA regulations – not a voluntary or grant program - that are on the books today that you support? If so, which ones?

Deliberative Process / Ex. 5

Senator Gillibrand:

31. Cleaning up Superfund sites is a core function of the EPA. However, the Trump Administration proposed cutting the Superfund budget by 30 percent in this year's budget. If enacted, those cuts would imperil the ability of the EPA to clean up the most hazardous contamination in New York and across the country. The longer it takes to clean up Superfund projects, the longer the health of children and families who live near these toxic sites are put at risk. This is immoral, and an abdication of the EPA's responsibility to protect public health. Do you support the cuts to the Superfund program that were in President Trump's budget request?

Deliberative Process / Ex. 5

Senator Inhofe:

32. In 2016, President Obama signed a bi-partisan provision of the WIIN Act allowing states to develop risk-based programs to manage coal ash from power plants. Unfortunately, before the WIIN Act became law, EPA had issued self-implementing coal ash regulations under the RCRA program. Accordingly, the existing EPA regulations do not contain the flexibility and protections established by the WIIN Act. Many groups -- including electric co-ops and public power -- have repeatedly asked EPA to harmonize its existing regulations with the WIIN Act. There is increasing urgency for EPA to act now to allow states the ability regulate coal ash. It is the desire of the states that regulate electric power generating plants to exercise their rights under the WIIN Act. If confirmed, will you pledge to work with me to address this issue?

Deliberative Process / Ex. 5

Senator Merkley:

33. In a recent public disclosure of Administrator Pruitt's calendar of meetings, less than 3% of his meetings were with public health and environmental advocacy organizations, whereas over 25% of his meetings were with industry representatives. Do you believe this reflects fair and balanced input from public health and environmental advocacy organizations?

Deliberative Process / Ex. 5

34. In the final version of the Fourth National Climate Assessment Report (Volume 1) (found here: (found here: https://science2017.globalchange.gov/downloads/), scientists from EPA and 12 other agencies find that "Global annual average temperature has increased by more than 1.2°F (0.7°C) for the period 1986– 2016 relative to 1901–1960." (Figure ES.1)
    a. Do you agree with this finding?
    b. If you do not agree with this finding, please explain why, and please provide at least one peer reviewed study supporting your stated position.

Deliberative Process / Ex. 5

35. In the hearing you said, "I believe that man has an impact on the planet. What's not completely understood is what the impact is." Yet the Fourth National Climate Assessment finds that "human activities are the primary driver of recent global temperature rise" (Figure ES. 2).
    a. Do you agree with this finding?
    b. If you do not agree with this finding, please explain why, and please provide at least one peer reviewed study supporting your stated position.

Deliberative Process / Ex. 5

36. You told me in our conversation that when it comes to scientific matter, you would defer to career staff and independent scientists. However, recently the EPA banned scientists who have received EPA funding from sitting on the agency's science advisory boards. As a result, many independent scientists were dismissed before they even completed their terms. EPA has not raised similar concerns about potential conflicts of interest for scientists who work for industries that EPA regulates. At the same time, EPA is replacing these scientists with people from the very industries that the EPA is support to regulate.
    a. Do you agree that EPA should bar scientists from serving on its advisory boards simply because they have received funding through EPA grants?

Deliberative Process / Ex. 5

b. Do you think it is acceptable for someone who receives money from Exxon-Mobil or even from a foreign government to serve but not someone who receives a grant from the agency itself?

Deliberative Process / Ex. 5

c. How is EPA supposed to carry out its mission to protect human health and the environment when it receives scientific advices from the industries that the agency is supposed to regulate?

Deliberative Process / Ex. 5

37. As a lobbyist for Murray Energy, you were present for the preliminary discussions that led to the crafting of the Department of Energy's cost recovery proposal for coal and nuclear plants. You also viewed a three-page memo drafted by Murray to the White House to revive the domestic coal sector. Additionally, you admitted to attending two meetings with DOE and the House Energy and Commerce committee staffers. As the EPA Deputy Administrator, you would be in charge of regulating companies like Murray Energy, one of your former clients. Moving forward, how will you guarantee that the EPA will act in the best interests of the American people rather than in the interests of your former clients?

Deliberative Process / Ex. 5

Senator Sanders:

Climate Change

38. President Trump has suggested in the past that climate change is a hoax. Is the President correct? Is climate change a hoax?

Deliberative Process / Ex. 5

39. Do you agree with the vast majority of scientists that climate change is real, it is caused by human activity, and that we must aggressively transition away from fossil fuels and toward energy efficiency and sustainable energy like wind, solar, and geothermal?

Deliberative Process / Ex. 5

40. Do you agree with the vast majority of scientists that the combustion of fossil fuels contributes to climate change?

Deliberative Process / Ex. 5

41. This past year, we have seen unprecedented devastation from hurricanes Harvey, Irma and Maria plus dozens of wildfires that have ravaged the West.

    a. Do you believe, as the scientific community does, that climate change contributes to the frequency and devastation of these natural disasters?

Deliberative Process / Ex. 5

    b. Congress has already appropriated $51.8 billion to address these disasters, and we intend to continue to work to rebuild communities devastated by the impacts of these disasters. A recent study published in the journal *Science* found that for every degree Celsius the planet warms, there is a loss of roughly 1.2% GDP in the United States. Do you believe that addressing climate change is good economics?

Deliberative Process / Ex. 5

Fossil Fuels

42. In your view, how important is it for the United States to reduce our reliance on fossil fuels?

Deliberative Process / Ex. 5

43. You previously worked at Murray Energy Corporation, a privately-owned coal company. Do you believe the federal government needs to invest more in polluting, finite fossil fuel resources like coal?

Deliberative Process / Ex. 5

44. EPA is tasked with ensuring the health and safety of working people, their families, and the communities in which they live. If confirmed, will you commit to refusing undue influence from special interests and instead fight to protect the environment?

Deliberative Process / Ex. 5

Energy Future

45. In your view, what is the role of renewable energy in our energy future?

Deliberative Process / Ex. 5

46. If confirmed, how will you work to support renewable energy like wind, solar, and geothermal?

Deliberative Process / Ex. 5

47. In your view, what should the United States' energy infrastructure look like at the end of this century? Specifically, what should be our main sources of energy?

Deliberative Process / Ex. 5

Past Career/Conflicts of Interest

48. In the past, you worked for Murray Energy Corporation, which brought suit against the EPA for its enforcement of the clean air and water protections. Can you explain why federal courts should be in the position of determining safe levels of air pollution to protect the health and welfare of Vermonters, as opposed to the federal Agency whose mission it is to protect human and environmental health?

Deliberative Process / Ex. 5

49. Your former clients include Whirlpool Corporation, Bear Head LNG Corporation, Celanese Corporation, Coalition For Domestic Medical Isotope Supply, Darling International, Domestic Fuel Solutions Group, Enterprises Swanco LLC, ICOR International, Insurance Auto Auctions, Inc, KAR Holdings, Murray Energy, Nuclear Energy Institute, Sargento Foods Inc, South Coast Air Quality Management District, and Underwriters Laboratories. If confirmed as Deputy Administrator of the EPA, would you have any conflicts of interest with these companies, or any other companies you represented during your time as a lobbyist? If so, will you commit to recuse yourself for the full course of any matter in which any of your former clients is a party? If not, why not?

Deliberative Process / Ex. 5

50. Murray Energy Corporation paid millions in fines and penalties for contaminating waterways in Ohio, West Virginia and Pennsylvania with coal slurry and discharge during your tenure.

a. Were you aware this type of environmental contamination was occurring? If you were aware, what actions did you take to address this water contamination? If you were aware of the contamination and did not act, why not? If you were not aware, why not? Do you think it is acceptable for a senior corporate official to lack knowledge of their company's pollution?

Deliberative Process / Ex. 5

b. Do you believe this type of environmental contamination endangers the health and wellbeing of American citizens?

Deliberative Process / Ex. 5

c. If confirmed, how will you ensure corporate environmental polluters like Murray Energy Corporation are held accountable?

Deliberative Process / Ex. 5

51. In 2015, Federal regulators accused Murray Energy of attempting to silence whistleblowers and said that "Murray Energy chided 3,500 workers for making too many confidential safety complaints to regulators and -- at one of the mines -- threatened to retaliate by closing down operations."

a. If confirmed, how will you work to prevent retaliation against whistle blowers who help the federal government enforce the nation's environmental laws?

Deliberative Process / Ex. 5

b. Were you aware of this behavior? If you were aware, what did you to do ensure Murray complied with environmental laws and took whistleblower complaints seriously? If you were not aware, how will you ensure EPA employee's concerns are taken seriously, if confirmed?

Deliberative Process / Ex. 5

52. You criticized the Paris Climate Agreement, calling it a "sweetheart deal" for China that gave the United States' competitor a manufacturing edge. China is still in the deal, and their climate policies are rapidly outpacing ours. China is moving away from dirty fossil fuels at a rate much quicker than the United States, and they are on track to more than double their renewable energy infrastructure and get a fifth of their energy from non-fossil fuel sources by 2030.

a. If both countries remain on their current paths, China will soon replace us as the world's technological and economic leader in the fields of climate science and energy generation. Do you believe we should continue to allow China to out-compete us in these areas?

Deliberative Process / Ex. 5

b. Should the U.S. be concerned that China is rapidly outpacing us in these areas? Do you recognize that China's leadership in these fields represents a threat to our economy and national security?

Deliberative Process / Ex. 5

c. The Carnegie Mellon Institute estimates that air pollution from energy production caused at least $131 billion in damages in the U.S. alone. Do you think this financial drain threatens our ability to compete with countries like China on the international scale?

Deliberative Process / Ex. 5

Science

53. If confirmed, do you commit to relying on independent scientists with relevant expertise to evaluate and review the data that the EPA uses when making decisions related to the implementation of environmental regulations?

Deliberative Process / Ex. 5

Most Pressing Challenges

54. In your opinion, what are the most pressing environmental challenges that deserve the attention of the EPA? If confirmed, what will you do at the EPA to better address these challenges?

Deliberative Process / Ex. 5

Environmental Regulations

55. If confirmed, do you commit to upholding the goal of the Clean Air Act, which according to the EPA website is "to address the public health and welfare risks posed by certain widespread air pollutants"?

Deliberative Process / Ex. 5

56. Do you support EPA Administrator Pruitt's decision to rescind the Clean Power Plan?

Deliberative Process / Ex. 5

57. 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."

a. Do you agree with the EPA's findings? If you do agree or are unfamiliar with these data, do you agree that, if the EPA's estimations are correct, we have a moral imperative to maintain the Clean Power Plan and protect the thousands of people that it positively impacts? If you do not agree with the EPA's findings, on which data or scientific studies do you base your opinion?

Deliberative Process / Ex. 5

b. If confirmed, what will you tell the parents who have children with asthma that will be adversely impacted by Administrator Pruitt's decision to rescind the Clean Power Plan?

Deliberative Process / Ex. 5

58. Oil and natural gas extraction by way of hydraulic fracturing, or "fracking," has expanded rapidly in the United States. The EPA conducted a study of the 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."
    a. Do you concur with the conclusions of the EPA's final report on fracking and drinking water?

Deliberative Process / Ex. 5

b. What further studies—if any—do you believe would be appropriate for the EPA to conduct on the effects of fracking on water quality?

Deliberative Process / Ex. 5

c. If confirmed, would you support implementing a requirement to provide full, well-specific public disclosure of all information related to oil and gas development involving fracking's possible impacts on groundwater, surface water, public health and safety, and habitat potential impacts?

Deliberative Process / Ex. 5

59. 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.

Given this scientific confirmation of the positive effects of these regulations, what will you do, if confirmed, to continue to accelerate the clean-up of all sources of mercury emissions, including from coal power plants?

Deliberative Process / Ex. 5

60. 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. If confirmed, how will you work as Deputy Administrator to support water resource management programs that address these issues?

Deliberative Process / Ex. 5

Environmental Justice

61. How do you define "environmental justice"?

Deliberative Process / Ex. 5

62. Do you think environmental justice is a serious issue that the EPA should address?

Deliberative Process / Ex. 5

63. If confirmed, will you commit to addressing the growing environmental and economic justice issues associated with exposure to environmental pollution?

Deliberative Process / Ex. 5

64. Latino children are twice as likely as non-Latino white children to die from asthma while, from 2012-2014, African American children had a death rate ten times that of non-Latino white children. African American children are three times as likely to suffer an asthma attack. As Deputy Administrator, how will you work to protect vulnerable low-income communities and communities of color from the harmful impacts of air pollution?

Deliberative Process / Ex. 5

65. Describe how you will, if confirmed, ensure that EPA's Environmental Justice 2020 plan is fully implemented.

Deliberative Process / Ex. 5

66. If confirmed, do you commit to meeting with community members and leaders who have concerns about environmental or health issues within the EPA's jurisdiction?

Deliberative Process / Ex. 5

67. If confirmed, what steps will you take as Deputy Administrator to ensure that the EPA and other federal agencies are complying with Executive Order 12989 on Environmental Justice?

Deliberative Process / Ex. 5

68. If confirmed, will you commit to addressing issues of environmental justice in Native American communities and offer a voice to those most affected by the environmental consequences of industrialization, especially in regard to resources protected by treaties?

Deliberative Process / Ex. 5

Vermont

69. 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 is important to Vermonters. Run-off – including from farmlands, lawns, and paved roads and point source pollution – contributes to high levels of phosphorus that spur algae growth. The algae turns the lake green and can be toxic. In 2016, the EPA released new phosphorus limits for the lake by establishing a Total Maximum Daily Load (TMDL).
    a. If confirmed, do you commit to continuing the Agency's support for the clean-up of Lake Champlain through this new TMDL and federal funding?

Deliberative Process / Ex. 5

    b. Will you, if confirmed, support increased funding and support from the EPA to crack down on pollution? If not, how will you ensure Clean Water Act obligations are satisfied?

Deliberative Process / Ex. 5

<u>Senator Sullivan:</u>

Permitting:

70. The EPA has jurisdiction over permitting for discharges of effluent into water and emissions into the air. They also administer registration and use safety testing for chemicals in commerce as well as tracking disposal of waste cradle to grave to sanitary landfills as opposed to open dumps. Permits and authorizations pursuant to these authorities add time and regulatory requirements to business and infrastructure project. A key concern in recent years has been the increasing amount of delays to do extended

permitting application reviews and environmental challenges to issued permits. EPA must find ways to more efficiently permit projects in a manner that can survive legal scrutiny and provide greater certainty to project proponents and citizens.

a. Will you work as Deputy Administrator to modernize EPA's permitting reviews while maintaining adequate environmental protections?

Deliberative Process / Ex. 5

b. Will you work with other agencies to ensure interagency coordination is done in a timely manner?

Deliberative Process / Ex. 5

c. How can the EPA, ensure that it makes timely decisions while limiting environmental impacts from a permitted discharge?

Deliberative Process / Ex. 5

ANCSA Contaminated Lands

71. In 1971, Congress enacted the Alaska Native Claims Settlement Act to settle aboriginal land claims. Earlier this year this Committee held a hearing regarding the legacy of federal contaminated lands and the challenge we face in cleaning them up. One of the witnesses at that hearing testified about the particular challenges in addressing contaminated lands that were conveyed under ANCSA to Alaska native corporations and villages. These are lands the government gave to these Native Alaskans as a settlement that were in fact contaminated before the native corporations and villages took possession. 46 years later, the majority of those contaminated sites have not been remediated and, under current law, Alaska Native entities that received those lands can be liable under for costs associated with cleaning up those lands.

a. Do you recognized that these issues are fundamental problem for the Alaska Native community?

Deliberative Process / Ex. 5

b. Can you commit to work to address and prioritize cleanup of ANCSA contaminated lands within the EPA and coordinating/communicating with other federal agencies including The Army Corps and Department of the Interior?

Deliberative Process / Ex. 5

<u>Senator Whitehouse:</u>

72. You agreed in your ethics agreement that if confirmed you will sign the Trump ethics pledge. The pledge prohibits appointees from "participat[ing] in any particular matter involving specific parties that is directly and substantially related to [their] former employer or former clients" for the first two years after their appointment. The pledge also prohibits you from participating in any particular matter, and more broadly the issue area in which that particular matter falls, on which you lobbied within the two years before your appointment.

    a. Do you commit to abide by the pledge and not seek a waiver to participate in matters that you would otherwise be recused from?

    Deliberative Process / Ex. 5

    b. You've worked against EPA during your time at Faegre Baker Daniels LLP. To ensure compliance with the pledge, please provide all of Faegre Baker Daniels LLP clients and cases or work from the past two years, noting all clients with whom you've worked, cases on which you've worked, and regulatory work you've done?

    Deliberative Process / Ex. 5

    c. Will you also recuse yourself from matters that your client Bob Murray included on his three-page environmental agenda?

    Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

73. Energy Secretary Rick Perry directed FERC to initiate a rulemaking that would effectively subsidize the coal industry in the name of ensuring grip reliability. The proposal has been criticized by environmental groups, natural gas companies, solar and wind companies, former Republican FERC commissioners, the American Petroleum Institute, and even the regional grid operators. And research by the Center for American Progress outline that ratepayers would be on the hook for this bailout.
    a. At your confirmation hearing, you acknowledged that you knew about this proposal in your role as a Murray Energy lobbyist. What exactly was your involvement in the development of this proposal?

Deliberative Process / Ex. 5

    b. If the proposal comes before EPA in any manner, will you recuse yourself from any role or involvement on it?

Deliberative Process / Ex. 5

    c. In your opinion, how would Perry's proposal, if approved by FERC, benefit Murray's coal mining assets?

Deliberative Process / Ex. 5

74. EPA Administrator Pruitt recently told CNBC that "I would not agree that [carbon dioxide is] a primary contributor to the global warming that we see." Do you agree with his statement?

Deliberative Process / Ex. 5

75. Have you reviewed EPA's endangerment finding for carbon dioxide? If not, will you commit to reviewing it before the Committee votes on your nomination?

Deliberative Process / Ex. 5

76. Do you agree with each of the following statements included in the U.S. Global Change Research Program's recent Climate Science Special Report?
    a. "Human-caused climate change has made a substantial contribution to [sea level rise] since 1900, contributing to a rate of rise that is greater than during any preceding century in at least 2,800 years." (page 10)

b. "The magnitude of climate change beyond the next few decades will depend primarily on the amount of greenhouse gases (especially carbon dioxide) emitted globally." (page 11)
c. "There is broad consensus that the further and faster the Earth system is pushed towards warming, the greater the risk of unanticipated changes and impacts, some of which are potentially large and irreversible." (page 11)
d. "The world's oceans are currently absorbing more than a quarter of the CO_2 emitted to the atmosphere annually from human activities, making them more acidic (*very high confidence*), with potential detrimental impacts to marine ecosystems." (page 28)
e. "The rate of acidification is unparalleled in at least the past 66 million years." (page 28)
f. "This assessment concludes, based on extensive evidence, that it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century. For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence." (page 10)
g. "Human activities are now the dominant cause of the observed trends in climate." (page 36)
h. "[T]here are no suggested factors, even speculative ones that can explain the timing or magnitude and that would somehow cancel out the role of human factors." (page 37)

Deliberative Process / Ex. 5

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/13/2017 8:20:13 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Troy Lyons (lyons.troy@epa.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: QFR's
Attachments: ALL QFR's Wheeler 11.08.2017.docx; Wheeler QFR Formal Letter 11.08.17.pdf; 2017.11.09 - Proposed Responses to Anticipated Questions for the Record ....docx

Hi Andrew,

Attached are your QFR's from EPW Committee (only 76, not too bad!) and a Deliberative Process / Ex. 5 Deliberative Process / Ex. 5 I have put the QFR process timeline below and please let us know if you have any questions.

Deliberative Process / Ex. 5

Best Regards,

Christian R. Palich
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U.S Environmental Protection Agency
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Senate Committee on Environment and Public Works
Hearing entitled *"Hearing on the Nominations of Kathleen Hartnett White to be Member of the Council on Environmental Quality and Andrew Wheeler to be Deputy Administrator of the Environmental Protection Agency."*
November 8, 2017
Questions for the Record for Mr. Andrew Wheeler

Ranking Member Carper:

Please provide a response to each question, ***including each sub-part.***

1. For decades, both Republican and Democratic administrations alike have had written policies limiting White House contacts with agencies that have investigatory and enforcement responsibilities. These policies have recognized that even a simple phone call from the White House to an agency inquiring about or flagging a specific matter can upset the evenhanded application of the law. I recently learned that Devon Energy, a strong political supporter of Administrator Pruitt's, informed the EPA just 5 days after Mr. Pruitt was sworn in as Administrator that it was no longer willing to install air pollution technology or pay a high penalty to EPA for its illegal air emissions of cancer-causing benzene and other chemicals. We also know that Trump family casinos, hotels and golf courses have been the subject of EPA enforcement actions for violations of the Clean Air Act and Clean Water Act.
    a. Do you agree that it is essential that in making decisions, EPA must be shielded from political influence and spared even the appearance of being subject to political influence or considerations?
    b. Will you commit to restricting communications between EPA and the White House staff regarding specific matters under the authority of EPA?
    c. Will you commit to ensuring the staff of EPA is familiar with those restrictions?
    d. Will you commit to advising this Committee within one week if any inappropriate communications from White House staff to EPA staff, including you, occur?

2. Recently, EPA conducted "anti-leaking" training for its employees[1]. According to EPA sources, the briefing stated that "Prohibitions we will discuss do not refer to "Whistleblowing". Agency employees have the right to make lawful disclosures to anyone, including, for example, management officials, the Inspector General, and/or the Office of Special Counsel. Employees may make disclosures to the EPA Office of the Inspector General through the EPA OIG Hotline at 888-546-8740." This presentation evidently failed to note the rights of federal employees have to make disclosures to Congress.
   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.

[1] https://www.washingtonpost.com/politics/whitehouse/federal-employees-are-ordered-to-attend-anti-leaking-classes/2017/09/21/032b40d6-9edd-11e7-b2a7-bc70b6f98089_story.html?utm_term=.e2bfc5e54d95

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 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.

a. If you are confirmed, will you commit to protect the rights of all career employees in EPA to make lawful disclosures, including their right to speak with Congress?
b. Will you commit to communicate employees' whistleblower rights via email to all EPA employees within a week of being sworn in?

3. In the wake of Hurricane Irma, at least 11 deaths and numerous injuries have been reported in Florida due to accidental carbon monoxide poisoning from gasoline-powered portable generators.[2] One additional death has also been reported in North Carolina, along with other injuries throughout the Southeastern United States.[3] Many of these deaths and injuries could have been prevented had stronger safety standards been in place for portable gasoline generators. In November 2016, the U.S. Consumer Product Safety Commission (CPSC), following years of work on the issue, voted to issue a Notice of Proposed Rulemaking (NPRM) to implement a mandatory safety standard for portable generators.[4] Since then, Administrator Pruitt and Acting CPSC Chairman Buerkle have separately opined that section 213 of the Clean Air Act precludes CPSC action.
   a. Section 213 of the Clean Air Act is intended to regulate emissions from non-road engines or vehicles when the EPA determines that such emissions "are significant contributors to ozone or carbon monoxide concentrations in more than 1 area which has failed to attain the national ambient air quality standards for ozone or carbon monoxide." In your opinion, would the occasional indoor use of portable generators following a power outage be likely to be a significant contributor to ambient carbon monoxide concentrations in more than 1 area that has failed to

[2] http://www.miamiherald.com/news/weather/hurricane/article174097351.html http://www.sun-sentinel.com/news/weather/hurricane/sfl-carbon-monoxide-deaths-20170914-story.html
[3] http://www.charlotteobserver.com/news/article173612361.html
[4] https://www.federalregister.gov/documents/2016/11/21/2016-26962/safety-standard-for-portable-generators

attain the national ambient air quality standards for carbon monoxide? Why or why not?

b. There are currently no areas in the United States that have failed to attain the national ambient air quality standards for carbon monoxide, and this has been the case since 2010[5]. As a matter of law, could section 213 of the Clean Air Act be used to regulate carbon monoxide emissions due to the indoor use of portable generators if there are no areas in the United States that fail to attain the national ambient air quality standards for carbon monoxide? Why or why not?

4. Your ethics agreement states that you "for a period of one year after my resignation, I also will not participate personally and substantially in any particular matter involving specific parties in which I know the firm is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. 2635.502(d). In addition, I will not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. 2635.502(d)."

   a. Please provide a list of all such particular matters involving specific parties that you will either need to recuse yourself from or seek authorization to participate in. For each such particular matter, please also indicate whether you plan to seek authorization to participate.

   b. 5 C.F.R 2635.502(a) states that:

      > "where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee in accordance with paragraph (d) of this section."

      Do you agree that you or your firm's representation of clients in particular matters that are before EPA would cause a reasonable person with knowledge of the relevant facts to question your impartiality if you are confirmed and continue to participate either in the particular matter itself or in an administrative action designed to accomplish the identical outcome the particular matter was intended to accomplish? Why or why not?

[5] https://www.epa.gov/green-book/green-book-carbon-monoxide-1971-area-information

5. Do you intend to seek a waiver to participate in non-public meetings with your former clients or your firm's clients if you are confirmed? If so, please list which clients you intend to seek such waivers to meet with and explain will why this would not cause a reasonable person with knowledge of the relevant facts to question your impartiality in the matter at hand.

6. On February 28, 2017, President Trump directed EPA and the Army Corps to review and possibly rescind or repeal the Clean Water Rule in Executive Order 13776. EPA recently ended the public comment process on the first step of a two-step process to repeal the rule and replace it with a rule that will protect far fewer sources of drinking water. Individuals with first-hand knowledge of the process EPA utilized to prepare its have informed my staff that:

    i) When EPA first submitted the proposed repeal rule to OMB, the draft stated that the agency would undertake a new cost-benefit analysis as part of the second step of its process.
    ii) OMB interpreted EPA's first proposal to mean that the rule's repeal would not avoid any costs to industry or have any economic impact at all. EPA's political staff then directed the career staff to undertake a new economic analysis. In response to this direction from OMB, EPA career staff reportedly changed the table included in the 2015 rule to a) reflect 2016 dollars instead of 2014 dollars, b) convert "annual costs incurred" under the Clean Water Rule to "annual costs avoided" due to its repeal and c) convert "annual benefits gained" under the Clean Water Rule to "annual benefits forgone" due to its repeal. This new table was sent to OMB on June 8, 2017.
    iii) OMB correctly concluded from EPA's June 8 submittal that repealing the rule would cost more in lost benefits than it would save industry in compliance costs. On June 13, 2017, presumably to avoid such an admission on the part of EPA, EPA career staff were verbally directed by political staff to solve this 'problem' by simply deleting the majority of the benefits of the rule from the table and re-submitting it to OMB, which they did[6].

The direction that was reportedly provided to the EPA career staff to make the various revisions to what was submitted to OMB was verbal, not written.

a. If you are confirmed, do you commit to ensure that career staff at EPA will receive appropriately documented, rather than verbal, direction from political officials before they take action? If not, why not?
b. You said in the hearing that it would be wrong to direct career staff to break the law. Assuming that the events described to my staff occurred as described (and understanding that you don't have any specific knowledge about these events), is it your view that this may have been an instance in which career staff were directed to break the law? Why or why not?

[6] https://www.epa.gov/sites/production/files/2017-06/documents/economic_analysis_proposed_step1_rule.pdf See Table 1

7. Do you agree to provide complete, accurate and timely responses to requests for information submitted to you by any Member of the Environment and Public Works Committee? If not, why not?

8. Recently, EPA announced that Administrator Pruitt would be publishing brief summaries of his calendars biweekly, after dozens of Freedom of Information Act requests for this information as well as a March request by me and my colleagues that he do so. During the Obama Administration, the Administrator, regional Administrators and all those serving in confirmed roles published their calendars daily[7]. If you are confirmed, will you commit to publishing your calendars daily? If not, why not?

9. In a *per curiam* opinion, the U.S. Circuit Court of Appeals for the District of Columbia affirmed the Endangerment Finding and the U.S. Supreme Court declined to issue a writ of certiorari on the D.C. Circuit's decision. The Endangerment Finding set in motion EPA's legal obligations to set greenhouse gas emissions standards for mobile and stationary sources, including those established by the Clean Power Plan in August 2015.[8] During an exchange with Senator Gillibrand during Administrator Pruitt's confirmation hearing before the Environment and Public Works Committee, he stated, "I believe that the EPA, because of the Mass v. EPA case and the endangerment finding, has obligations to address the CO2 [carbon dioxide] issue." Do you agree with Administrator Pruitt's statement? Why or why not?

10. In December 2007, President Bush's EPA proposed to declare greenhouse gases as a danger to public welfare through a draft Endangerment Finding, stating, "The Administrator proposes to find that the air pollution of elevated levels of greenhouse gas (GHG) concentrations may reasonably be anticipated to endanger public welfare…Carbon dioxide is the most important GHG (greenhouse gas) directly emitted by human activities, and is the most significant driver of climate change." [9] Do you agree with these statements? Why or why not?

11. The Rule of Law Defense Fund is an affiliate of the Republican Attorneys General Association. Have you ever contributed any money or time to the Rule of Law Defense Fund? If so, please provide details.

12. In the *White Stallion Energy Center v. EPA, February 2012,* industry argued, "the record does not support EPA's findings that mercury, non-mercury HAP metals, and acid gas HAPs [hazardous air pollutants] pose public health hazards."[10] Do you agree with this statement? Why or why not?

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[7] https://yosemite.epa.gov/opa/admpress.nsf/Calendars?OpenView
[8] https://www.epa.gov/climatechange/us-court-appeals-dc-circuit-upholds-epas-action-reduce-greenhouse-gases-under-clean
[9] https://insideclimatenews.org/sites/default/files/2007_Draft_Proposed_Endangerment_Finding.pdf
[10] https://www.cadc.uscourts.gov/internet/opinions.nsf/284AC47088C07D0985257C88004F0795/%24file/12-1100-1488346.pdf

13. On April 17, 2012, Dr. Jerome Paulson, Chair, Council on Environmental Health, American Academy of Pediatrics, testified before the EPW Committee, stating, "Methyl mercury causes localized death of nerve cells and destruction of other cells in the developing brain of an infant or fetus. It interferes with the movement of brain cells and the eventual organization of the brain…The damage it [methylmercury] causes to an individual's health and development is permanent and irreversible. …There is no evidence demonstrating a "safe" level of mercury exposure, or a blood mercury concentration below which adverse effects on cognition are not seen. Minimizing mercury exposure is essential to optimal child health."[11]
    a. Do you agree with the American Academy of Pediatrics' finding on the importance of minimizing mercury exposures for child health? If not, please cite the scientific studies that support your disagreement.
    b. Do you agree the record supports EPA's findings that mercury, non-mercury hazardous air pollutant metals, and acid gas hazardous air pollutants emitted from uncontrolled power plants pose public health hazards? If not, why not?
    c. Do you agree it is currently difficult to monetize the reduced risk of human health and ecological benefits from reducing mercury emissions from power plants? If so, please explain. If not, why not? If these costs cannot be calculated, are the risks still real?

14. 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?

15. Do you agree that the EPA's recent consideration of the costs of the Mercury and Air Toxics Standards Rule 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?

16. The Edison Electric Institute (EEI), the association that represents all U.S. investor-owned electric companies, has told my staff that, to its knowledge, all of its member companies have fully implemented the Mercury and Air Toxics Standards Rule. EPA staff has reported to my staff something similar. The Mercury and Air Toxics Standards Rule protects our children from harmful mercury and air toxics pollution; and by industry accounts is already being met with technology that is already bought, paid for and running on almost all our power plants.
    a. Do you dispute reports that nearly all covered facilities are already in compliance with the Mercury and Air Toxics Standards? If so, please explain.

[11] https://www.epw.senate.gov/public/_cache/files/4/3/4324fd62-dc89-4820-bd93-ff3714fcbe30/01AFD79733D77F24A71FEF9DAFCCB056.41712hearingwitnesstestimonypaulson.pdf

b. According to a recent report by Bloomberg New Energy Finance Report and the Business Council for Sustainable Energy, "consumers now pay 3% less per kilowatt-hour for electricity than in 2007."[12] This means the near universal compliance of the Mercury and Air Toxics Standards Rule has been achieved without significant impacts to electricity reliability or affordability, in fact electricity prices have gone down. Do you agree? If not, why not?
c. Even though industry has achieved near universal compliance with the Mercury and Air Toxics Standards and electricity prices have gone down, not up, Administrator Pruitt is currently reviewing whether it is "appropriate and necessary" to issue the standards in the first place. Do you agree that the EPA should be conducting this review, and if so, why?
d. If the EPA determines the agency has not met the "necessary and appropriate" criteria found in Section 112(n), and revokes the Mercury and Air Toxics Standards Rule, what does that mean for all the pollution control technology that has been bought, paid for and running on our power plants that is helping the industry be in full compliance of the rule?

17. 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. Please respond to each sub-part below:
    a. 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?
    b. 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"? If you do not agree, why not?
    c. Do you agree that the Trump Administration's November 6, 2017 announcement that "the Clean Air Act requires EPA to issue designations [for non-attainment areas] no later than 2 years after the agency sets a new National Ambient Air Quality Standard or revises an existing standard. The Administrator may extend this deadline up to 1 year, if there is insufficient information to designate areas by the 2-year deadline"[13] is accurate? If not, why not?
    d. Do you agree that the agency set a new National Ambient Air Quality Standard for ozone on October 1, 2015[14], as was also stated in the Trump Administration's November 6, 2017 announcement? If not, why not?
    e. Do you agree that the November 6, 2017 announcement by the Trump

[12] http://www.bcse.org/wp-content/uploads/2017-Sustainable-Energy-in-America-Factbook-Executive-Summary.pdf
[13] https://www.epa.gov/sites/production/files/2017-11/documents/fact_sheet_for_final_ozone_designations_round_1.pdf
[14] https://www.epa.gov/ozone-pollution/2015-revision-2008-ozone-national-ambient-air-quality-standards-naaqs-supporting

Administration stated that "EPA is not extending the time provided under section 107 of the Clean Air Act [to designate non-attainment areas] but is not yet prepared to issue designations"?

f. Do you agree that the Trump Administration has failed to comply with the Clean Air Act by failing to designate ozone non-attainment areas by October 1, 2017 while also choosing not to extend the deadline for such designations to be made?

g. If confirmed, will you commit to not further delay the implementation of the 2015 ozone NAAQS? If not, why not?

18. Do you agree with President Trump's decision to withdraw the United States from the International Paris Climate Accord? If so, please explain.

19. In part of his justifications for withdrawing from the Paris Climate Agreement, President Trump stated the Paris Accord could, "cost America as much as 2.7 million lost jobs by 2025 according to the National Economic Research Associates (NERA)."[15] This economic statistic and others linked to the NERA study were also distributed in White House materials as reasons the President was deciding to withdraw from the Paris Accord. Soon after the President's speech, NERA stated, "In a set of talking points distributed by the White House in conjunction with its announcement of the US withdrawal from the Paris Agreement, the Trump Administration selectively used results from a NERA Economic Consulting study, "Impacts of Greenhouse Gas Regulations on the Industrial Sector." ... Use of results from this analysis as estimates of the impact of the Paris Agreement alone mischaracterizes the purpose of NERA's analysis, which was to explore the challenges of achieving reductions from US industrial sectors over a longer term. Selective use of results from a single implementation scenario and a single year compounds the mischaracterization."[16]

a. In light of the NERA statement, do you think the President misspoke when he wrongly cited information from the NERA study in his Paris speech? If not, why not?

b. If confirmed, will you commit that you will not distort the NERA study – or any other economic study - to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?

c. After the President's Paris Climate Accord speech, MIT's Joint Program on the Science and Policy of Global Change issued a statement stating the President's characterization of their analysis of the Paris Accord to be misleading.[17] If confirmed, will you commit that you will not distort the climate science studies to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?

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[15] https://www.whitehouse.gov/the-press-office/2017/06/01/statement-president-trump-paris-climate-accord

[16] http://www.nera.com/news-events/press-releases/2017/nera-economic-consultings-study-of-us-emissions-reduction-polici.html

[17] http://news.mit.edu/2017/mit-issues-statement-research-paris-agreement-0602

20. As you may know, American Indians and Alaska Natives share a unique relationship with the federal government. As part of that relationship, the federal government has a duty to perform meaningful consultation with Indian Tribes and Alaska Native villages regarding issues that affect tribal communities and tribal members. Do you commit to engage in essential and honest consultation with tribes and tribal governments?

21. An article[18] about the President's decision to leave the Paris Climate Agreement in Inside Climate News stated that "Other hardliners include Murray Energy's chief executive Robert Murray and his coal company's lobbyist, Andrew Wheeler, who helped enlist Pruitt to talk to the National Mining Association before it joined the rejection lobby." Is this excerpt accurate? If so, please describe the manner in which you helped "enlist Pruitt to talk to the National Mining Association" and provide any documents you prepared or received that are related to this effort. If not, please describe the inaccuracies.

22. Please provide me with a copy of the following presentations that are listed in the materials you sent the Committee:

    a. How to Conduct Congressional Oversight (2017)
    b. Preparing for the New Administration (2017)
    c. The Air Up There: Developments and Opportunities for Clean Air, Coal, Energy and Climate (2016)
    d. Preparing for the Change in Administration (2016)
    e. Focusing on What Really Should be Debated: The Cases of Boiler MACT, Utility MACT and CSPAR (2012)
    f. The Waxman-Markey American Clean Energy and Security Act: Cap-and-Trade (2009)

23. Earlier this year, the fiscal year 2018 budget proposal[19] submitted to Congress sought to eliminate the $20 million in funding the EPA provides for the Justice Department's Environment and Natural Resources Division. EPA has historically provided about 27 percent of that office's budget. Do you support such a reduction in funding? Please provide your reasoning and any information you have supporting your answer.

24. Since 1987, how much funding has been provided to ENRD by EPA? How much money has DOJ secured through fines, penalties, and commitments to remediate contamination and pollution during this same time period?

25. In September, the EPA Inspector General issued a report titled "EPA's Distribution of Superfund Human Resources Does Not Support Current Regional Workload." It concluded, among other things, that one of the impediments to progress in cleaning up

[18] https://insideclimatenews.org/news/05052017/paris-agreement-climate-change-donald-trump-jared-kushner-steve-bannon-clean-power-plan
[19] https://www.documentcloud.org/documents/4061910-EPA-Superfund-reimbursements-to-DOJ-documents.html#document/p7/a378119

Superfund sites is lack of adequate EPA staff. Do you agree with and accept the conclusions of the IG in this regard? If not, why not?

26. The Administration's budget request proposes to reduce the size of EPA's workforce by approximately 3000 Full Time Employees (FTEs) in FY 2018, including just under 600 FTEs in the Superfund program. Administrator Pruitt has stated that he would like to greatly accelerate the cleanup of hazardous waste sites, in particular Superfund sites. Do you believe that reducing the Superfund workforce by 23 percent will accelerate or reduce the pace of cleanups at Superfund sites across the country?

27. This country just suffered three unusually intense hurricanes in quick succession – including one in your home state of Texas and one that has left the majority of Puerto Rico without electricity and water for weeks. Over 137 wildfires have raged in the West, costing hundreds of billions of dollars in damages and dozens of lost lives. Two weeks ago, the Trump White House released a final (ie, not draft, as was inaccurately asserted at the hearing) report[20] that concluded that, quote, "it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century." The report also documented increases in sea levels, heatwaves, wildfires, and flooding, and said that, quote, "Changes in the characteristics of extreme events are particularly important for human safety."

    a. Do you accept the evidence that carbon dioxide pollution is causing the earth to warm, that human activity is responsible for that warming, and that with increased warming comes an increased frequency and intensity of extreme flooding, hurricanes and wildfires? If not, please fully document the basis for such rejection.

    b. Do you agree with the report's conclusion that "it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century?" If not, please fully document the basis for your disagreement.

    c. Do you agree with the report's documentation that demonstrated increases in sea levels, heatwaves, wildfires, and flooding? If not, please fully document the basis for your disagreement.

28. The CO2 Coalition[21] is a group that promotes misinformation about climate science. In February of this year, Ms. White spoke on a panel hosted by the CO2 Coalition. There she described the CO2 Coalition as, a "very, very meaningful source [of information]," and said that she is "very hopeful because of organizations like the CO2 Coalition." The group also produces 30 second cartoons extolling the virtues of increased levels of CO2

[20] https://science2017.globalchange.gov/
[21] http://co2coalition.org/

in the atmosphere[22]. Do you agree with Ms. White's statements, and do you agree that the CO2 Coalition is a meaningful source of information on climate change? If not, why not?

29. Can you name one Clean Air Act regulation that was promulgated by the Obama Administration – not a voluntary or grant program – that you do support, and why?

30. Are there any other EPA regulations – not a voluntary or grant program - that are on the books today that you support? If so, which ones?

Senator Gillibrand:

31. Cleaning up Superfund sites is a core function of the EPA. However, the Trump Administration proposed cutting the Superfund budget by 30 percent in this year's budget. If enacted, those cuts would imperil the ability of the EPA to clean up the most hazardous contamination in New York and across the country. The longer it takes to clean up Superfund projects, the longer the health of children and families who live near these toxic sites are put at risk. This is immoral, and an abdication of the EPA's responsibility to protect public health. Do you support the cuts to the Superfund program that were in President Trump's budget request?

Senator Inhofe:

32. In 2016, President Obama signed a bi-partisan provision of the WIIN Act allowing states to develop risk-based programs to manage coal ash from power plants. Unfortunately, before the WIIN Act became law, EPA had issued self-implementing coal ash regulations under the RCRA program. Accordingly, the existing EPA regulations do not contain the flexibility and protections established by the WIIN Act. Many groups -- including electric co-ops and public power -- have repeatedly asked EPA to harmonize its existing regulations with the WIIN Act. There is increasing urgency for EPA to act now to allow states the ability regulate coal ash. It is the desire of the states that regulate electric power generating plants to exercise their rights under the WIIN Act. If confirmed, will you pledge to work with me to address this issue?

Senator Merkley:

33. In a recent public disclosure of Administrator Pruitt's calendar of meetings, less than 3% of his meetings were with public health and environmental advocacy organizations, whereas over 25% of his meetings were with industry representatives. Do you believe this reflects fair and balanced input from public health and environmental advocacy organizations?

[22] https://youtu.be/5Oapr4fopuI

34. In the final version of the Fourth National Climate Assessment Report (Volume 1) (found here: (found here: https://science2017.globalchange.gov/downloads/), scientists from EPA and 12 other agencies find that "Global annual average temperature has increased by more than 1.2°F (0.7°C) for the period 1986– 2016 relative to 1901–1960." (Figure ES.1)
    a. Do you agree with this finding?
    b. If you do not agree with this finding, please explain why, and please provide at least one peer reviewed study supporting your stated position.

35. In the hearing you said, "I believe that man has an impact on the planet. What's not completely understood is what the impact is." Yet the Fourth National Climate Assessment finds that "human activities are the primary driver of recent global temperature rise" (Figure ES. 2).
    a. Do you agree with this finding?
    b. If you do not agree with this finding, please explain why, and please provide at least one peer reviewed study supporting your stated position.

36. You told me in our conversation that when it comes to scientific matter, you would defer to career staff and independent scientists. However, recently the EPA banned scientists who have received EPA funding from sitting on the agency's science advisory boards. As a result, many independent scientists were dismissed before they even completed their terms. EPA has not raised similar concerns about potential conflicts of interest for scientists who work for industries that EPA regulates. At the same time, EPA is replacing these scientists with people from the very industries that the EPA is support to regulate.
    a. Do you agree that EPA should bar scientists from serving on its advisory boards simply because they have received funding through EPA grants?
    b. Do you think it is acceptable for someone who receives money from Exxon-Mobil or even from a foreign government to serve but not someone who receives a grant from the agency itself?
    c. How is EPA supposed to carry out its mission to protect human health and the environment when it receives scientific advices from the industries that the agency is supposed to regulate?

37. As a lobbyist for Murray Energy, you were present for the preliminary discussions that led to the crafting of the Department of Energy's cost recovery proposal for coal and nuclear plants. You also viewed a three-page memo drafted by Murray to the White House to revive the domestic coal sector. Additionally, you admitted to attending two meetings with DOE and the House Energy and Commerce committee staffers. As the EPA Deputy Administrator, you would be in charge of regulating companies like Murray Energy, one of your former clients. Moving forward, how will you guarantee that the EPA will act in the best interests of the American people rather than in the interests of your former clients?

Senator Sanders:

Climate Change

38. President Trump has suggested in the past that climate change is a hoax. Is the President correct? Is climate change a hoax?

39. Do you agree with the vast majority of scientists that climate change is real, it is caused by human activity, and that we must aggressively transition away from fossil fuels and toward energy efficiency and sustainable energy like wind, solar, and geothermal?

40. Do you agree with the vast majority of scientists that the combustion of fossil fuels contributes to climate change?

41. This past year, we have seen unprecedented devastation from hurricanes Harvey, Irma and Maria plus dozens of wildfires that have ravaged the West.

    a. Do you believe, as the scientific community does, that climate change contributes to the frequency and devastation of these natural disasters?

    b. Congress has already appropriated $51.8 billion to address these disasters, and we intend to continue to work to rebuild communities devastated by the impacts of these disasters. A recent study published in the journal *Science* found that for every degree Celsius the planet warms, there is a loss of roughly 1.2% GDP in the United States. Do you believe that addressing climate change is good economics?

Fossil Fuels

42. In your view, how important is it for the United States to reduce our reliance on fossil fuels?

43. You previously worked at Murray Energy Corporation, a privately-owned coal company. Do you believe the federal government needs to invest more in polluting, finite fossil fuel resources like coal?

44. EPA is tasked with ensuring the health and safety of working people, their families, and the communities in which they live. If confirmed, will you commit to refusing undue influence from special interests and instead fight to protect the environment?

Energy Future

45. In your view, what is the role of renewable energy in our energy future?

46. If confirmed, how will you work to support renewable energy like wind, solar, and geothermal?

47. In your view, what should the United States' energy infrastructure look like at the end of this century? Specifically, what should be our main sources of energy?

Past Career/Conflicts of Interest

48. In the past, you worked for Murray Energy Corporation, which brought suit against the EPA for its enforcement of the clean air and water protections. Can you explain why federal courts should be in the position of determining safe levels of air pollution to protect the health and welfare of Vermonters, as opposed to the federal Agency whose mission it is to protect human and environmental health?

49. Your former clients include Whirlpool Corporation, Bear Head LNG Corporation, Celanese Corporation, Coalition For Domestic Medical Isotope Supply, Darling International, Domestic Fuel Solutions Group, Enterprises Swanco LLC, ICOR International, Insurance Auto Auctions, Inc, KAR Holdings, Murray Energy, Nuclear Energy Institute, Sargento Foods Inc, South Coast Air Quality Management District, and Underwriters Laboratories. If confirmed as Deputy Administrator of the EPA, would you have any conflicts of interest with these companies, or any other companies you represented during your time as a lobbyist? If so, will you commit to recuse yourself for the full course of any matter in which any of your former clients is a party? If not, why not?

50. Murray Energy Corporation paid millions in fines and penalties for contaminating waterways in Ohio, West Virginia and Pennsylvania with coal slurry and discharge during your tenure.

    a. Were you aware this type of environmental contamination was occurring? If you were aware, what actions did you take to address this water contamination? If you were aware of the contamination and did not act, why not? If you were not aware, why not? Do you think it is acceptable for a senior corporate official to lack knowledge of their company's pollution?

    b. Do you believe this type of environmental contamination endangers the health and wellbeing of American citizens?

    c. If confirmed, how will you ensure corporate environmental polluters like Murray Energy Corporation are held accountable?

51. In 2015, Federal regulators accused Murray Energy of attempting to silence whistleblowers and said that "Murray Energy chided 3,500 workers for making too many confidential safety complaints to regulators and -- at one of the mines -- threatened to retaliate by closing down operations."

    a. If confirmed, how will you work to prevent retaliation against whistle blowers who help the federal government enforce the nation's environmental laws?

b. Were you aware of this behavior? If you were aware, what did you to do ensure Murray complied with environmental laws and took whistleblower complaints seriously? If you were not aware, how will you ensure EPA employee's concerns are taken seriously, if confirmed?

52. You criticized the Paris Climate Agreement, calling it a "sweetheart deal" for China that gave the United States' competitor a manufacturing edge. China is still in the deal, and their climate policies are rapidly outpacing ours. China is moving away from dirty fossil fuels at a rate much quicker than the United States, and they are on track to more than double their renewable energy infrastructure and get a fifth of their energy from non-fossil fuel sources by 2030.
    a. If both countries remain on their current paths, China will soon replace us as the world's technological and economic leader in the fields of climate science and energy generation. Do you believe we should continue to allow China to out-compete us in these areas?

    b. Should the U.S. be concerned that China is rapidly outpacing us in these areas? Do you recognize that China's leadership in these fields represents a threat to our economy and national security?

    c. The Carnegie Mellon Institute estimates that air pollution from energy production caused at least $131 billion in damages in the U.S. alone. Do you think this financial drain threatens our ability to compete with countries like China on the international scale?

Science

53. If confirmed, do you commit to relying on independent scientists with relevant expertise to evaluate and review the data that the EPA uses when making decisions related to the implementation of environmental regulations?

Most Pressing Challenges

54. In your opinion, what are the most pressing environmental challenges that deserve the attention of the EPA? If confirmed, what will you do at the EPA to better address these challenges?

Environmental Regulations

55. If confirmed, do you commit to upholding the goal of the Clean Air Act, which according to the EPA website is "to address the public health and welfare risks posed by certain widespread air pollutants"?

56. Do you support EPA Administrator Pruitt's decision to rescind the Clean Power Plan?

57. 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."

    a. Do you agree with the EPA's findings? If you do agree or are unfamiliar with these data, do you agree that, if the EPA's estimations are correct, we have a moral imperative to maintain the Clean Power Plan and protect the thousands of people that it positively impacts? If you do not agree with the EPA's findings, on which data or scientific studies do you base your opinion?

    b. If confirmed, what will you tell the parents who have children with asthma that will be adversely impacted by Administrator Pruitt's decision to rescind the Clean Power Plan?

58. Oil and natural gas extraction by way of hydraulic fracturing, or "fracking," has expanded rapidly in the United States. The EPA conducted a study of the 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."
    a. Do you concur with the conclusions of the EPA's final report on fracking and drinking water?

    b. What further studies—if any—do you believe would be appropriate for the EPA to conduct on the effects of fracking on water quality?

    c. If confirmed, would you support implementing a requirement to provide full, well-specific public disclosure of all information related to oil and gas development involving fracking's possible impacts on groundwater, surface water, public health and safety, and habitat potential impacts?

59. 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.

Given this scientific confirmation of the positive effects of these regulations, what will you do, if confirmed, to continue to accelerate the clean-up of all sources of mercury emissions, including from coal power plants?

60. 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. If confirmed, how will you work as Deputy Administrator to support water resource management programs that address these issues?

Environmental Justice

61. How do you define "environmental justice"?

62. Do you think environmental justice is a serious issue that the EPA should address?

63. If confirmed, will you commit to addressing the growing environmental and economic justice issues associated with exposure to environmental pollution?

64. Latino children are twice as likely as non-Latino white children to die from asthma while, from 2012-2014, African American children had a death rate ten times that of non-Latino white children. African American children are three times as likely to suffer an asthma attack.

As Deputy Administrator, how will you work to protect vulnerable low-income communities and communities of color from the harmful impacts of air pollution?

65. Describe how you will, if confirmed, ensure that EPA's Environmental Justice 2020 plan is fully implemented.

66. If confirmed, do you commit to meeting with community members and leaders who have concerns about environmental or health issues within the EPA's jurisdiction?

67. If confirmed, what steps will you take as Deputy Administrator to ensure that the EPA and other federal agencies are complying with Executive Order 12989 on Environmental Justice?

68. If confirmed, will you commit to addressing issues of environmental justice in Native American communities and offer a voice to those most affected by the environmental consequences of industrialization, especially in regard to resources protected by treaties?

Vermont

69. 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 is important to Vermonters. Run-off – including from farmlands, lawns, and paved roads and point source pollution – contributes to high levels of phosphorus that spur algae growth. The algae turns the lake green and can be toxic. In 2016, the EPA released new phosphorus limits for the lake by establishing a Total Maximum Daily Load (TMDL).
    a. If confirmed, do you commit to continuing the Agency's support for the clean-up of Lake Champlain through this new TMDL and federal funding?

    b. Will you, if confirmed, support increased funding and support from the EPA to crack down on pollution? If not, how will you ensure Clean Water Act obligations are satisfied?

Senator Sullivan:

Permitting:

70. The EPA has jurisdiction over permitting for discharges of effluent into water and emissions into the air. They also administer registration and use safety testing for chemicals in commerce as well as tracking disposal of waste cradle to grave to sanitary landfills as opposed to open dumps. Permits and authorizations pursuant to these authorities add time and regulatory requirements to business and infrastructure project. A key concern in recent years has been the increasing amount of delays to do extended permitting application reviews and environmental challenges to issued permits. EPA must find ways to more efficiently permit projects in a manner that can survive legal scrutiny and provide greater certainty to project proponents and citizens.

    a. Will you work as Deputy Administrator to modernize EPA's permitting reviews while maintaining adequate environmental protections?

    b. Will you work with other agencies to ensure interagency coordination is done in a timely manner?

    c. How can the EPA, ensure that it makes timely decisions while limiting environmental impacts from a permitted discharge?

ANCSA Contaminated Lands

71. In 1971, Congress enacted the Alaska Native Claims Settlement Act to settle aboriginal land claims. Earlier this year this Committee held a hearing regarding the legacy of federal contaminated lands and the challenge we face in cleaning them up. One of the witnesses at that hearing testified about the particular challenges in addressing contaminated lands that were conveyed under ANCSA to Alaska native corporations and villages. These are lands the government gave to these Native Alaskans as a settlement that were in fact contaminated before the native corporations and villages took possession. 46 years later, the majority of those contaminated sites have not been remediated and, under current law, Alaska Native entities that received those lands can be liable under for costs associated with cleaning up those lands.
    a. Do you recognized that these issues are fundamental problem for the Alaska Native community?
    b. Can you commit to work to address and prioritize cleanup of ANCSA contaminated lands within the EPA and coordinating/communicating with other federal agencies including The Army Corps and Department of the Interior?

Senator Whitehouse:

72. You agreed in your ethics agreement that if confirmed you will sign the Trump ethics pledge. The pledge prohibits appointees from "participat[ing] in any particular matter involving specific parties that is directly and substantially related to [their] former employer or former clients" for the first two years after their appointment. The pledge also prohibits you from participating in any particular matter, and more broadly the issue area in which that particular matter falls, on which you lobbied within the two years before your appointment.
    a. Do you commit to abide by the pledge and not seek a waiver to participate in matters that you would otherwise be recused from?
    b. You've worked against EPA during your time at Faegre Baker Daniels LLP. To ensure compliance with the pledge, please provide all of Faegre Baker Daniels LLP clients and cases or work from the past two years, noting all clients with whom you've worked, cases on which you've worked, and regulatory work you've done?
    c. Will you also recuse yourself from matters that your client Bob Murray included on his three-page environmental agenda?

73. Energy Secretary Rick Perry directed FERC to initiate a rulemaking that would effectively subsidize the coal industry in the name of ensuring grip reliability. The proposal has been criticized by environmental groups, natural gas companies, solar and wind companies, former Republican FERC commissioners, the American Petroleum Institute, and even the regional grid operators. And research by the Center for American Progress outline that ratepayers would be on the hook for this bailout.
    a. At your confirmation hearing, you acknowledged that you knew about this proposal in your role as a Murray Energy lobbyist. What exactly was your involvement in the development of this proposal?
    b. If the proposal comes before EPA in any manner, will you recuse yourself from any role or involvement on it?
    c. In your opinion, how would Perry's proposal, if approved by FERC, benefit Murray's coal mining assets?

74. EPA Administrator Pruitt recently told CNBC that "I would not agree that [carbon dioxide is] a primary contributor to the global warming that we see." Do you agree with his statement?

75. Have you reviewed EPA's endangerment finding for carbon dioxide? If not, will you commit to reviewing it before the Committee votes on your nomination?

76. Do you agree with each of the following statements included in the U.S. Global Change Research Program's recent Climate Science Special Report?
    a. "Human-caused climate change has made a substantial contribution to [sea level rise] since 1900, contributing to a rate of rise that is greater than during any preceding century in at least 2,800 years." (page 10)

b. "The magnitude of climate change beyond the next few decades will depend primarily on the amount of greenhouse gases (especially carbon dioxide) emitted globally." (page 11)
c. "There is broad consensus that the further and faster the Earth system is pushed towards warming, the greater the risk of unanticipated changes and impacts, some of which are potentially large and irreversible." (page 11)
d. "The world's oceans are currently absorbing more than a quarter of the CO_2 emitted to the atmosphere annually from human activities, making them more acidic (*very high confidence*), with potential detrimental impacts to marine ecosystems." (page 28)
e. "The rate of acidification is unparalleled in at least the past 66 million years." (page 28)
f. "This assessment concludes, based on extensive evidence, that it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century. For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence." (page 10)
g. "Human activities are now the dominant cause of the observed trends in climate." (page 36)
h. "[T]here are no suggested factors, even speculative ones that can explain the timing or magnitude and that would somehow cancel out the role of human factors." (page 37)

JOHN BARRASSO, WYOMING, CHAIRMAN

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SHELLEY MOORE CAPITO, WEST VIRGINIA
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GABRIELLE BATKIN, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510-6175

November 13, 2017

Andrew R. Wheeler
Principal, Faegre Baker Daniels LLC
1050 K Street NW Suite 400
Washington, D.C. 20001

Dear Mr. Andrew R. Wheeler:

On behalf of the Senate Committee on Environment and Public Works, we would like to thank you for testifying before the Committee on Wednesday, November 8, 2017, at the hearing entitled, *"Hearing on the Nominations of Kathleen Hartnett White to be Member of the Council on Environmental Quality and Andrew Wheeler to be Deputy Administrator of the Environmental Protection Agency."* The Committee greatly appreciates your attendance and participation in this hearing.

In order to maximize the opportunity for communication between you and the Committee, follow-up questions have been submitted by the members. To comply with Committee rules, please e-mail a copy of your responses to Elizabeth_Olsen@epw.senate.gov or deliver one hard copy by 12:00p.m. Monday, November 20, 2017. Responses should be delivered to the EPW Committee at 410 Dirksen Senate Office Building, Washington, DC 20510.

If you have any questions about the requests or the hearing, please feel free to contact Staff Director, Richard Russell in the Majority Office at (202) 224-6176 or Staff Director, Gabrielle Batkin in the Minority Office at (202) 224-8832.

Sincerely,

John Barrasso, M.D.
Chairman

Thomas R. Carper
Ranking Member

PRINTED ON RECYCLED PAPER

To: Palich, Christian[palich.christian@epa.gov]
From: Carey, Michael
Sent: Thur 5/18/2017 11:34:07 AM
Subject: Letter to Pruitt
Pruitt Invite.pdf

Sent from my Verizon Wireless 4G LTE smartphone

West Virginia Coal Association

PO Box 3923, Charleston, WV 25339 • (304) 342-4153 • Fax 342-7651 • www.wvcoal.com

May 18, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue
Washington, D.C. 20460

Dear Administrator Pruitt:

The West Virginia Coal Association, a trade organization representing 99 percent of the Mountain State's underground and surface coal production, would like to formally invite you to be the keynote speaker at the Association's annual meeting at the Greenbrier Hotel in Lewisburg, WV. The meeting takes place on August 4-5, 2017, and we could accommodate you either of those days and welcome you to join us for the entire meeting.

The West Virginia coal industry has been extremely encouraged by the positions taken and progress made by the new leadership at the federal Environmental Protection Agency, and we would like the opportunity to hear more about those plans and how we in West Virginia can assist the new Administration.

Please feel free to contact us at any time if you have any questions or need any further information.

Sincerely,

William B. Raney
President
Personal Matters / Ex. 6 **m)**

To: Paul Bailey[pbailey@americaspower.org]
From: Palich, Christian
Sent: Thur 4/12/2018 1:04:09 PM
Subject: RE: Wheeler Quote

Thanks Paul! Have a terrific day.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Paul Bailey [mailto:pbailey@americaspower.org]
Sent: Thursday, April 12, 2018 7:35 AM
To: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Wheeler Quote

Returned last night from trip. Sending letter this morning to all R's plus three D's. Text pasted below. I'll send an official copy at some point today.

Dean Senator [Name]:
I am writing to respectfully urge you to vote to confirm Andrew Wheeler to be Deputy Administrator of the U.S. Environmental Protection Agency.

I have known Andrew for more than a decade. During that time, I have had the opportunity to work with him in different capacities that demonstrated to me that he is an ideal person to be Deputy Administrator. His intelligence, deep expertise on environmental policy issues, and management experience make him more than qualified for this position. In addition, I have always found Andrew to be honest, fair minded, and respectful of the opinions of others, even those with whom he might not always agree.

Please vote to confirm Andrew as Deputy Administrator.

Sincerely,

Paul Bailey

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Wednesday, October 04, 2017 5:32 PM
To: Paul Bailey <pbailey@americaspower.org>
Cc: Michelle Bloodworth <mbloodworth@americaspower.org>
Subject: RE: Wheeler Quote

Thanks Paul! Enjoy the evening.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944

C: Ex. 6
E: Palich.Christian@epa.gov

From: Paul Bailey [mailto:pbailey@americaspower.org]
Sent: Wednesday, October 4, 2017 5:26 PM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Michelle Bloodworth <mbloodworth@americaspower.org>
Subject: RE: Wheeler Quote

Quote as follows:

"Andrew is extraordinarily qualified to be EPA's Deputy Administrator. His understanding of a wide range of environmental policies and the policy development process — combined with his thoughtfulness, judgment and temperament — will enable him to be an outstanding Deputy Administrator."

Paul Bailey
President & CEO American Coalition for Clean Coal Electricity

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Wednesday, October 04, 2017 4:43 PM
To: Paul Bailey <pbailey@americaspower.org>
Subject: Wheeler Quote

Hi Paul,

Thanks for giving us a quote for our friend Andrew Wheeler, he's a terrific man. Below is our draft release for reference.

DRAFT DELIBERATIVE **Widespread Praise for Andrew Wheeler Nomination**

Wheeler Set to Become Deputy EPA Administrator

WASHINGTON (October 4, 2017) Today, President Donald J. Trump announced his intention to nominate Andrew Wheeler as Deputy Administrator for Environmental Protection Agency (EPA).

Mr. Wheeler has spent his entire career working in environmental policy and currently serves as a Principal at FaegreBD Consulting where he works with clients on navigating federal regulatory and legislative issues including the environment and energy. Mr. Wheeler previously worked as Staff Director and Chief Counsel for the U.S. Senate Committee on Environment and Public Works (EPW) from 2002-2009 where he helped formulate and execute the committee's legislative, oversight, policy and public outreach agenda. Prior to joining EPW, Mr. Wheeler served as Staff director and Counsel to the U.S. Senate Subcommittee for Clean Air, Wetlands and Nuclear Safety from 1997-2002 where he helped draft and negotiate legislation involving clean air issues, nuclear energy, FEMA, and a full range of energy and environmental issues.

He also worked as General Counsel for United States Senator James Inhofe form 1995-1996 and as a Special Assistant in the Office of Pollution Prevention and Toxics at EPA from 1991-1995.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944

C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 4/11/2018 10:02:30 PM
To: Andrew R. Wheeler [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
Subject: Fwd: Wheeler cloture vote is 2nd vote of 2 that starts at 9:30AM

FYI

Christian R. Palich
Deputy Associate Administrator
Office of Congressional Affairs
C: Ex. 6

Sent from my iPhone

Begin forwarded message:

From: "Van Doren, Terry (McConnell)" <Terry_VanDoren@mcconnell.senate.gov>
Date: April 11, 2018 at 5:55:29 PM EDT
To: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Palich, Christian" <palich.christian@epa.gov>, "'Lyons, Troy'" <lyons.troy@epa.gov>
Subject: Wheeler cloture vote is 2nd vote of 2 that starts at 9:30AM

Vote Alert

WEDNESDAY, APRIL 11, 2018 AT 05:34 PM

Roll Call Votes Scheduled

At 9:30am on Thursday, April 12th, the Senate will proceed to two roll call votes on the following:

1. Confirmation of Executive Calendar #605, Patrick Pizzella, of Virginia, to be Deputy Secretary of Labor.
2. Motion to invoke cloture on Executive Calendar #666, Andrew Wheeler, of Virginia, to be Deputy Administrator of the Environmental Protection Agency.

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 4/11/2018 5:24:22 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: RE: Senator Carper Conversation with Andrew Wheeler

FYI. Cloture vote and then your debate will occur immediately after they confirm the #2 at Labor Dept (which is happening this afternoon/evening).

Almost there.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Wednesday, April 11, 2018 1:06 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: RE: Senator Carper Conversation with Andrew Wheeler

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Wheeler, Andrew R.
Sent: Wednesday, April 11, 2018 11:38 AM
To: 'Lyons, Troy'
Cc: Jackson, Ryan; Palich, Christian
Subject: RE: Senator Carper Conversation with Andrew Wheeler
Importance: High

I just talked to mary Frances, carper is going to call be on his way to vote around 12:15. She is also sending me the letter.

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: + Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Wednesday, April 11, 2018 10:53 AM
To: Wheeler, Andrew R.
Cc: Jackson, Ryan; Palich, Christian
Subject: Fwd: Senator Carper Conversation with Andrew Wheeler

FYI.

Andrew, ok to give him your cell? Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Sent from my iPhone

Begin forwarded message:

> **From:** "Repko, Mary Frances (EPW)" <mary_frances_repko@epw.senate.gov>
> **Date:** April 11, 2018 at 10:49:04 AM EDT
> **To:** "'Lyons, Troy'" <lyons.troy@epa.gov>
> **Subject: RE: Senator Carper Conversation with Andrew Wheeler**
>
> I do. The Senator is a dog with a bone about the letter – it is what he wants. He wants to share a copy of the letter with Andrew and ask him if he is confirmed if he will work to get the letter completed. Alternatively, he wants to ask if he were confirmed and became Acting Administrator, if he'd sign it.
>
> These are things that Andrew may not be able to do given the circumstances, but I needed to let you know, and I wanted to make sure he had that context.
>
> I think the Senator is troubled that the letter which would have led to one fewer vote and a time agreement wasn't forthcoming, and that the debate on Andrew's nomination will be very hot and loaded with commentary about the current Administrator.
>
> ---
>
> **From:** Lyons, Troy <lyons.troy@epa.gov>
> **Sent:** Wednesday, April 11, 2018 10:44 AM
> **To:** Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov>
> **Subject:** Re: Senator Carper Conversation with Andrew Wheeler
>
> Apologies I was confused and thought you meant Bill Wehrum.
>
> Do you know what he wants to speak to Andrew about?
>
> Sent from my iPhone
>
> On Apr 11, 2018, at 10:41 AM, Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov> wrote:

Gotcha. Ok. I left a vm for Andrew to call me on my cell.

From: Lyons, Troy <lyons.troy@epa.gov>
Sent: Wednesday, April 11, 2018 10:40 AM
To: Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov>
Subject: Re: Senator Carper Conversation with Andrew Wheeler

Yes. Will track down asap. Sorry for the missed calls. **Ex. 6**

Sent from my iPhone

On Apr 11, 2018, at 10:22 AM, Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov> wrote:

> I don't have Andrew's number for that, can you advise?
>
> ---
>
> **From:** Lyons, Troy <lyons.troy@epa.gov>
> **Sent:** Wednesday, April 11, 2018 10:20 AM
> **To:** Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov>
> **Subject:** Re: Senator Carper Conversation with Andrew Wheeler
>
> I gave him a heads up that Senator Carper would likely be calling so he is expecting a call
>
> Sent from my iPhone
>
> On Apr 11, 2018, at 10:04 AM, Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov> wrote:
>
>> Troy,
>>
>> Senator Carper would like to speak with Andrew Wheeler today, this morning if possible, and it is very time sensitive. Please advise, and it may be useful if I spoke to you and Andrew beforehand.
>>
>> Thanks,
>> Mary Frances
>>
>> Mary Frances Repko
>> Democratic Staff Director
>> U.S. Senate Committee on Environment and Public Works

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 2/15/2018 9:14:32 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: RE: Personal Matters / Ex. 6

Personal Matters / Ex. 6

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Thursday, February 15, 2018 4:06 PM
To: Palich, Christian <palich.christian@epa.gov>
Subject: Ex. 6

Ex. 6

Sent from my iPhone

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 2/7/2018 3:04:09 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: Wheeler Clears EPW

You were on delay!

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Feb 7, 2018, at 9:59 AM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Ummmm, they are still voting.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Ex. 6 F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Wednesday, February 07, 2018 9:59 AM
To: Jackson, Ryan; Lyons, Troy; Bowman, Liz
Cc: Shimmin, Kaitlyn; Frye, Tony (Robert); Wheeler, Andrew R.
Subject: Wheeler Clears EPW

Hi All,

I wanted to let everyone know Andrew Wheeler was just cleared through EPW by party line vote. Deliberative Process / Ex. 5

Have a great day,

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 1/10/2018 4:42:31 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: RE: Committee Letter

Sent! Thanks Andrew.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Wednesday, January 10, 2018 11:16 AM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: RE: Committee Letter

Attached, thanks.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Wednesday, January 10, 2018 11:10 AM
To: Wheeler, Andrew R.
Cc: Lyons, Troy; Frye, Tony (Robert)
Subject: RE: Committee Letter

Hi Andrew,

I may of missed it, but can you Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency

O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: andrew wheeler Ex. 6
Sent: Thursday, January 4, 2018 12:30 PM
To: Palich, Christian <palich.christian@epa.gov>; andrew wheeler <andrew.wheeler@faegrebd.com>
Subject: Re: Committee Letter

attached is updated letter with tomorrows date.

On Thu, Jan 4, 2018 at 11:50 AM, andrew wheeler Ex. 6 wrote:

> Christian, let me know if this needs to be changed.

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 2/6/2018 6:47:42 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Troy Lyons (lyons.troy@epa.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: Andrew Wheeler Nomination Talking Points Document
Attachments: 2017-11-07_LOS to EPW_Wheeler Nomination.pdf; 2018.02.06 - DRAFT - Wheeler Nom Member Talking Points - TFCPTML.docx; 171107_Nomination_Wheeler_EPA_Senate EPW.pdf; 171108 - Portman letter to EPW re Andrew Wheeler.pdf; Rep Bill Johnson - Wheeler LOR.pdf; WheelerNomination_UMWA_8Nov2017.pdf

Hi Andrew,

Attached is our draft Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Have a great day,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

CORY GARDNER
COLORADO

SUITE SR-354
SENATE RUSSELL OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5941

United States Senate

COMMITTEES:
BUDGET
COMMERCE, SCIENCE, AND TRANSPORTATION
ENERGY AND NATURAL RESOURCES
FOREIGN RELATIONS

November 7, 2017

The Honorable John Barrasso
Chairman
Senate Committee on Environment
and Public Works
United States Senate
Washington, DC 20510

The Honorable Thomas R. Carper
Ranking Member
Senate Committee on Environment
and Public Works
United States Senate
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

I write today in support of Andrew Wheeler to be Deputy Administrator of the U.S. Environmental Protection Agency (EPA). During my time serving as a legislative staffer to former Senator Wayne Allard I came to know Andrew in his position as Staff Director and Chief Counsel to the Senate Committee on Environment and Public Works. In that position, he displayed a strong understanding and respect for the law while also working across the aisle whenever and wherever possible in a professional manner to achieve policy outcomes that benefitted all Americans.

He also took time to develop expertise amongst staffers both on and off the committee, helping build a knowledge base on important policy matters.

I'm confident that Andrew will take that same approach as Deputy Administrator of the EPA, where he will be responsible for overseeing the day-to-day operation and implementation of policies that are designed to both clean up contamination of the environment and return these areas to their communities to be put to a useful purpose, and protect the environment from further contamination. I also believe Andrew will build important state partnerships to advance mutual goals of bettering the environment.

As you consider this nomination, I believe you will come to a similar opinion of Andrew that I have of him and urge you to support his nomination out of committee.

Sincerely,

Cory Gardner
United States Senator

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

NEIL L. BRADLEY
SENIOR VICE PRESIDENT &
CHIEF POLICY OFFICER

1615 H STREET, NW
WASHINGTON, DC 20062
(202) 463-5310

November 7, 2017

The Honorable John Barrasso
Chairman
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

The Honorable Tom Carper
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper:

The U.S. Chamber of Commerce supports the nomination of Andrew Wheeler to be Deputy Administrator for the U.S. Environmental Protection Agency ("EPA"). We look forward to the Senate Environment and Public Works Committee advancing his nomination to the full Senate for confirmation.

Mr. Wheeler's substantial public service experience makes him an excellent choice for leadership at the EPA. He began his career at the EPA, where he worked on toxic chemical, pollution prevention and right-to-know issues, and he was awarded the EPA Bronze Medal twice for his accomplishments.

Mr. Wheeler also has shown his ability to work with Congress, having previously served your committee as majority staff director, minority staff director, and chief counsel. In these roles, he worked on every major piece of environmental and energy-related legislation before Congress for over a decade.

The Chamber urges the committee to act swiftly on Mr. Wheeler's nomination.

Sincerely,

Neil Bradley

cc: Members of the Committee on Environment and Public Works

ROB PORTMAN
OHIO

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
ENERGY AND NATURAL RESOURCES
FINANCE
FOREIGN RELATIONS
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

November 8, 2017

Senator John Barrasso
Chairman
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

Senator Tom Carper
Ranking Member
Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

I am writing to recommend Andrew Wheeler to be the Deputy Administrator of the Environmental Protection Agency (EPA). Andrew was nominated for this position by President Trump on October 5, 2017.

Andrew is a native of my home state of Ohio, and has experience in both the legislative and executive branches on energy and environment policy. He began his career at EPA and subsequently worked for Senator James Inhofe and my predecessor former Senator George Voinovich on the Senate Environment and Public Works Committee. Andrew served as the Majority Staff Director, Minority Staff Director and Chief Counsel of the Senate Environment and Public Works Committee.

Andrew has continued his work on energy and environment policy as a Principal at Faegre Baker Daniels Consulting. Andrew received his MBA from George Mason University School of Management and his JD from Washington University School of Law, and has been a keynote speaker before the American Bar Association.

I trust that this information will be useful to you as you review Andrew's nomination. Please feel free to follow up with me with any additional questions.

Sincerely,

Rob Portman
U.S. Senator

448 Russell Senate Office Building
Washington, DC 20510
Phone: (202) 224-3353

312 Walnut Street
Suite 3435
Cincinnati, OH 45202
Phone: (513) 684-3265

1240 East 9th Street
Suite 3061
Cleveland, OH 44199
Phone: (216) 522-7095

37 West Broad Street
Suite 200
Columbus, OH 43215
Phone: (614) 469-6774

420 Madison Avenue
Suite 1210
Toledo, OH 43604
Phone: (419) 259-3595

www.portman.senate.gov

BILL JOHNSON
6TH DISTRICT, OHIO

COMMITTEE ON ENERGY AND COMMERCE

COMMITTEE ON THE BUDGET

WASHINGTON OFFICE
1710 Longworth House Office Building
Washington, DC 20515

(202) 225-5705

billjohnson.house.gov

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

November 6, 2017

Chairman John Barrasso
U.S. Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510-6175

Dear Chairman Barrasso,

I write in support of Andrew Wheeler's nomination to become the next Deputy Administrator of the Environmental Protection Agency (EPA).

Mr. Wheeler has served as an EPA staffer, and brings a wealth of experience working in environmental policy from several different perspectives. He earned the EPA Bronze Medal three times, as Staff Director and Chief Counsel for the U.S. Senate Committee on Environment and Public Works (EPW), and as a principal consultant helping businesses with federal regulatory and policy issues.

Since my election in 2010, my team and I have worked with Andrew on several different major policy issues, and I've found him to be knowledgeable, professional, and a tremendous resource on environmental and energy policy.

I am confident Mr. Wheeler will do a fine job at EPA, helping to ensure the agency's mission of protecting the environment is maintained, while also ensuring the EPA becomes a partner in progress in responsible energy exploration and job creation.

Sincerely,

Bill Johnson

Bill Johnson
Member of Congress

MARIETTA OFFICE
246 Front Street
Marietta, OH 45750

(740) 376-0868

SALEM OFFICE
192 East State Street
Salem, OH 44460

(330) 337-6951

CAMBRIDGE OFFICE
116 Southgate Parkway
Cambridge, OH 43725

(740) 432-2366

IRONTON OFFICE
202 Park Avenue
Suite C
Ironton, OH 45638

(740) 534-9431

THIS STATIONERY PRINTED ON PAPER MADE OF RECYCLED FIBERS

United Mine Workers of America

CECIL E. ROBERTS
INTERNATIONAL PRESIDENT

TELEPHONE
(703) 291-2420
FAX (703) 291-2451

UNITED MINE WORKERS' HEADQUARTERS
18354 QUANTICO GATEWAY DRIVE, SUITE 200
Triangle, VA
22172-1779

November 8, 2017

The Honorable Tom Barrasso
Chair, Senate Committee on Environment and Public Works

The Honorable Tom Carper
Ranking Member, Senate Committee on Environment and Public Works

Dear Chairman Barrasso, Ranking Member Carper and Members of the Committee:

As you consider the nomination of Andrew R. Wheeler for Deputy Administrator of the Environmental Protection Agency, I ask that you take into consideration his hard work on behalf of America's active and retired coal mine workers. For the past five years, Mr. Wheeler has been an ally as the United Mine Workers of America has worked to preserve the health care and pensions that retired miners worked for over their lifetimes.

Andrew worked alongside our UMWA team to successfully pass legislation that has ensured that our miners will have the health care that was promised to them, and that they earned. As you are aware, this effort lasted years, and we faced major setbacks along the way. However, Andrew was a strong partner to us and we are very appreciative of that.

Andrew will bring a wealth of experience, from both the public and private sectors, to EPA. It is our belief that he will be a reasonable voice within the agency, and will recognize the impact on both the workers and mining communities that are directly affected as EPA develops future emissions regulations.

We look forward to working productively with Andrew in this role at EPA. I am available to discuss this further at your convenience.

Sincerely,

Cecil E. Roberts

Cecil E. Roberts

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 4/17/2018 2:13:06 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: Tomorrow

Coming!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional Affairs
C: Ex. 6

Sent from my iPhone

On Apr 17, 2018, at 10:12 AM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> I down at the guards desk now, ryan hasn't responded to my text. Can you come and get me?
>
> Sent from my iPhone
>
> On Apr 17, 2018, at 9:59 AM, Palich, Christian <palich.christian@epa.gov> wrote:
>
> > I'll grab you outside the Administrator office Andrew and get you where you need to be at 11:30am.
> >
> > Christian R. Palich
> > Deputy Associate Administrator
> > Office of Congressional Affairs
> > C: Ex. 6
> >
> > Sent from my iPhone
> >
> > On Apr 16, 2018, at 5:00 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:
> >
> > > Just let me know where I need to be. I'm with the Administator from 10:45-11:30
> > >
> > > Sent from my iPhone
> > >
> > > On Apr 16, 2018, at 3:44 PM, Palich, Christian <palich.christian@epa.gov> wrote:
> > >
> > > > Hi Andrew,
> > > >
> > > > All good for your photo and ID badge with Charles at 11:45am tomorrow.
> > > >
> > > > Have a great evening!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional Affairs
C: Ex. 6

Sent from my iPhone

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 1/3/2018 9:13:53 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]; Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: RE: Nomination Update-Andrew Wheeler

Absolutely, Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Jackson, Ryan
Sent: Wednesday, January 3, 2018 4:09 PM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Subject: Re: Nomination Update-Andrew Wheeler

Deliberative Process / Ex. 5

Ryan Jackson
Chief of Staff
U.S. EPA
Personal Phone / Ex. 6

On Jan 3, 2018, at 3:04 PM, Palich, Christian <palich.christian@epa.gov> wrote:

Hi All,

Deliberative Process / Ex. 5

Wanted to keep everyone in loop and will let you when we get more information.

Have a great day,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 1/18/2018 9:24:01 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: hey

Thanks! Ex. 6

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Jan 18, 2018, at 4:23 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Ex. 6

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/31/2017 8:46:40 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: RE: Resume

Never mind! Kaitlyn to the rescue.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Shimmin, Kaitlyn
Sent: Tuesday, October 31, 2017 4:46 PM
To: Palich, Christian <palich.christian@epa.gov>; Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Subject: RE: Resume

Christian, see attached.

Kaitlyn Shimmin
Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
O: (202) 564-4108
C: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Palich, Christian
Sent: Tuesday, October 31, 2017 4:45 PM
To: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Cc: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: Resume

Hi Andrew,

Do you have a resume you can send over? Deliberative Process / Ex. 5

Thanks!

Christian R. Palich

Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/7/2017 7:07:41 PM
To: Andrew.Wheeler@FaegreBD.com
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: Fwd: Sen. Wicker Questions for Andrew Wheeler

Hi Andrew,

Please see below from Senator Wicker.

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations

Ex. 6

Sent from my iPhone

Begin forwarded message:

> **From:** "McMillin, Neal (Wicker)" <Neal_McMillin@wicker.senate.gov>
> **Date:** November 7, 2017 at 1:57:05 PM EST
> **To:** "palich.christian@epa.gov" <palich.christian@epa.gov>
> **Cc:** "Elsner, Brandon (Wicker)" <Brandon_Elsner@wicker.senate.gov>
> **Subject: Sen. Wicker Questions for Andrew Wheeler**
>
> Hi Christian,
>
> Wanted to provide you with the questions Senator Wicker is interested in asking Andrew Wheeler at tomorrow's EPW hearing. We'd appreciate if you share the below questions with Mr. Wheeler for his preparation.
>
> **Question 1**
> *What is the appropriate role for states in ensuring the integrity and health of our environment? What steps should the EPA take to better collaborate with state and local officials to achieve cooperative federalism?*
>
> **Question 2**
> *As you know Obama administration agencies have regularly asserted powers not granted to them by Congress. Two obvious examples are in the cases of the Waters of the United States (WOTUS) and the Clean Power Plan.*
>
> - *What is your view as the role of Congress in fashioning environmental policy?*
> - *Can you assure this committee that you will not reach beyond the authority granted to the EPA by Congress?*
>
> Thank you,

Neal McMillin
Senator Roger F. Wicker

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/10/2017 1:28:02 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: Gardner & Johnson letter
Attachments: attachment 1.pdf; ATT00001.htm

See below! Sorry Andrew in the last minute frenzy of getting these in I forgot to CC you.

Again great job Wednesday and enjoy the weekend.

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Nov 9, 2017, at 5:45 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Do you have a copy of the Portman letter?

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Tuesday, November 07, 2017 12:27 PM
To: Wheeler, Andrew R.
Subject: Gardner & Johnson letter

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

ROB PORTMAN
OHIO

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
ENERGY AND NATURAL RESOURCES
FINANCE
FOREIGN RELATIONS
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

November 8, 2017

Senator John Barrasso
Chairman
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

Senator Tom Carper
Ranking Member
Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

I am writing to recommend Andrew Wheeler to be the Deputy Administrator of the Environmental Protection Agency (EPA). Andrew was nominated for this position by President Trump on October 5, 2017.

Andrew is a native of my home state of Ohio, and has experience in both the legislative and executive branches on energy and environment policy. He began his career at EPA and subsequently worked for Senator James Inhofe and my predecessor former Senator George Voinovich on the Senate Environment and Public Works Committee. Andrew served as the Majority Staff Director, Minority Staff Director and Chief Counsel of the Senate Environment and Public Works Committee.

Andrew has continued his work on energy and environment policy as a Principal at Faegre Baker Daniels Consulting. Andrew received his MBA from George Mason University School of Management and his JD from Washington University School of Law, and has been a keynote speaker before the American Bar Association.

I trust that this information will be useful to you as you review Andrew's nomination. Please feel free to follow up with me with any additional questions.

Sincerely,

Rob Portman
U.S. Senator

448 Russell Senate Office Building
Washington, DC 20510
Phone: (202) 224-3353

312 Walnut Street
Suite 3435
Cincinnati, OH 45202
Phone: (513) 684-3265

1240 East 9th Street
Suite 3061
Cleveland, OH 44199
Phone: (216) 522-7095

37 West Broad Street
Suite 200
Columbus, OH 43215
Phone: (614) 469-6774

420 Madison Avenue
Suite 1210
Toledo, OH 43604
Phone: (419) 259-3595

www.portman.senate.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/14/2017 10:13:01 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: RE: WheelerRequested Presentations

Perfect. Thanks Andrew!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Tuesday, November 14, 2017 4:39 PM
To: Palich, Christian <palich.christian@epa.gov>
Subject: WheelerRequested Presentations

Attached are the presentations requested.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/7/2017 5:27:11 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Gardner & Johnson letter
Attachments: 2017-11-07_LOS to EPW_Wheeler Nomination.pdf; Wheeler LOR.PDF

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

CORY GARDNER
COLORADO

SUITE SR-354
SENATE RUSSELL OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5941

United States Senate

COMMITTEES:
BUDGET
COMMERCE, SCIENCE, AND TRANSPORTATION
ENERGY AND NATURAL RESOURCES
FOREIGN RELATIONS

November 7, 2017

The Honorable John Barrasso
Chairman
Senate Committee on Environment
and Public Works
United States Senate
Washington, DC 20510

The Honorable Thomas R. Carper
Ranking Member
Senate Committee on Environment
and Public Works
United States Senate
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

I write today in support of Andrew Wheeler to be Deputy Administrator of the U.S. Environmental Protection Agency (EPA). During my time serving as a legislative staffer to former Senator Wayne Allard I came to know Andrew in his position as Staff Director and Chief Counsel to the Senate Committee on Environment and Public Works. In that position, he displayed a strong understanding and respect for the law while also working across the aisle whenever and wherever possible in a professional manner to achieve policy outcomes that benefitted all Americans.

He also took time to develop expertise amongst staffers both on and off the committee, helping build a knowledge base on important policy matters.

I'm confident that Andrew will take that same approach as Deputy Administrator of the EPA, where he will be responsible for overseeing the day-to-day operation and implementation of policies that are designed to both clean up contamination of the environment and return these areas to their communities to be put to a useful purpose, and protect the environment from further contamination. I also believe Andrew will build important state partnerships to advance mutual goals of bettering the environment.

As you consider this nomination, I believe you will come to a similar opinion of Andrew that I have of him and urge you to support his nomination out of committee.

Sincerely,

Cory Gardner
United States Senator

BILL JOHNSON
6TH DISTRICT, OHIO

COMMITTEE ON ENERGY AND COMMERCE

COMMITTEE ON THE BUDGET

WASHINGTON OFFICE
1710 Longworth House Office Building
Washington, DC 20515

(202) 225-5705

billjohnson.house.gov

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

November 6, 2017

Chairman John Barrasso
U.S. Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510-6175

Dear Chairman Barrasso,

I write in support of Andrew Wheeler's nomination to become the next Deputy Administrator of the Environmental Protection Agency (EPA).

Mr. Wheeler has served as an EPA staffer, and brings a wealth of experience working in environmental policy from several different perspectives. He earned the EPA Bronze Medal three times, as Staff Director and Chief Counsel for the U.S. Senate Committee on Environment and Public Works (EPW), and as a principal consultant helping businesses with federal regulatory and policy issues.

Since my election in 2010, my team and I have worked with Andrew on several different major policy issues, and I've found him to be knowledgeable, professional, and a tremendous resource on environmental and energy policy.

I am confident Mr. Wheeler will do a fine job at EPA, helping to ensure the agency's mission of protecting the environment is maintained, while also ensuring the EPA becomes a partner in progress in responsible energy exploration and job creation.

Sincerely,

Bill Johnson

Bill Johnson
Member of Congress

MARIETTA OFFICE
246 Front Street
Marietta, OH 45750

(740) 376-0868

SALEM OFFICE
192 East State Street
Salem, OH 44460

(330) 337-6951

CAMBRIDGE OFFICE
116 Southgate Parkway
Cambridge, OH 43725

(740) 432-2366

IRONTON OFFICE
202 Park Avenue
Suite C
Ironton, OH 45638

(740) 534-9431

THIS STATIONERY PRINTED ON PAPER MADE OF RECYCLED FIBERS

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 3/19/2018 8:00:25 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: RE: 3.20 Tester Meeting Briefing

Deliberative Process / Ex. 5

Hope this helps Andrew! Anything else let me know.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Monday, March 19, 2018 2:56 PM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: 3.20 Tester Meeting Briefing

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Monday, March 19, 2018 2:41 PM
To: Wheeler, Andrew R.
Cc: Shimmin, Kaitlyn; Frye, Tony (Robert); Lyons, Troy
Subject: 3.20 Tester Meeting Briefing

Hi Andrew,

Deliberative Process / Ex. 5

If you have any questions please let me know!

Hope all is well and look forward to seeing you tomorrow,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/24/2017 8:01:38 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Quote on Conference

EPA

Agency keeps scientists from speaking at watershed conference

Arianna Skibell, E&E News reporter

Published: Monday, October 23, 2017

U.S. EPA prevented scientists from speaking about a climate report on Narragansett Bay in Rhode Island. Charlie Walker/Wikimedia Commons

U.S. EPA has asked three scientists to not speak at a conference today in Providence, R.I., about the state of Narragansett Bay and its watershed program.

The conference features the release of a report three years in the making on the status of New England's largest estuary. The 500-page document includes an extensive section on climate change.

The New York Times first reported that two EPA scientists and one contractor would no longer present at the conference. EPA spokesman and former Trump campaign worker John Konkus confirmed the news and attributed the decision to the nature of the event.

"EPA scientists are attending, they simply are not presenting, it is not an EPA conference," he said in an email to *The Washington Post*.

Konkus is a onetime congressional staffer and media consultant who served as the North Florida field office manager for then-candidate Donald Trump's presidential campaign last fall. In an unusual move, all grant requests since August have gone through his office for review (*Greenwire*, Aug. 17).

EPA's $26 million National Estuary Program — slated for elimination under the White House's fiscal 2018 budget — funds 28 state programs and helps support Narragansett Bay efforts. Rhode Island gets about $600,000.

Sen. Sheldon Whitehouse (D-R.I.), who is scheduled to speak at the event, said Narragansett Bay is one of his state's most important economic assets. EPA needs to work with local leaders to plan for its future, he said.

"Whatever you think about climate change, this kind of collaboration should be a no-brainer," he said in a statement. "Muzzling our leading scientists benefits no one."

The director of the Narragansett Bay Estuary Program, Tom Borden, said the head of EPA's Atlantic Ecology Division at the National Health and Environmental Effects Research Laboratory told him last week that Autumn Oczkowski, the keynote speaker and division research ecologist, would not speak at the event. Oczkowski's colleague Rose Martin and an EPA contractor, Emily Shumchenia, would likewise not present.

The move comes as onlookers worry EPA is squelching information about climate change. Pruitt has publicly questioned whether human activity is contributing to global warming. And last week, EPA webpages about climate change returned to the agency's website but without references to rising temperatures (*Climatewire*, Oct. 20).

Sen. Jack Reed (D-R.I.) said "muzzling" EPA scientists is not the way to address climate change. "While the Trump Administration tries to suppress the facts, the American people are seeing and feeling the real world impacts," he said in an emailed statement.

"We need to work on a bipartisan basis to reduce pollution and emissions," he said, "and this type of hostility toward science inhibits rather than furthers discussion and action."

While President Trump has called global warming a hoax and downplayed its potential impact on the recent spate of devastating hurricanes, some government agencies seem to be speaking out anyway.

Last week, NOAA Fisheries researchers linked shifts in food webs to climate change (*Greenwire*, Oct. 20). And the Department of Energy yesterday tweeted a map demonstrating how climate change threatens U.S. energy infrastructure.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/3/2017 12:37:40 AM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Re: Hurricane Response Question

Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Nov 2, 2017, at 8:34 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> Deliberative Process / Ex. 5
>
> Sent from my iPhone
>
> On Nov 2, 2017, at 7:34 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:
>
> Deliberative Process / Ex. 5
>
> Sent from my iPhone
>
> On Nov 2, 2017, at 7:24 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:
>
> Deliberative Process / Ex. 5
>
> Sent from my iPhone
>
> On Nov 2, 2017, at 5:49 PM, Palich, Christian <palich.christian@epa.gov> wrote:
>
> Hi Andrew,
>
> Deliberative Process / Ex. 5

Have a great evening!

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/30/2017 5:14:44 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: FYI

Hotline

THURSDAY, NOVEMBER 30, 2017 AT 12:06 PM

Executive Nomination

ENVIRONMENTAL PROTECTION AGENCY

Cal. #506 - Andrew Wheeler, of Virginia, to be Deputy Administrator of the Environmental Protection Agency.

Limited time agreement followed by a vote.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/14/2017 8:16:37 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: so...

Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Nov 14, 2017, at 3:08 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> **Deliberative Process / Ex. 5** ?
>
> Andrew R. Wheeler
> *Principal*
> andrew.wheeler@FaegreBD.com Download vCard
> D: +1 202 312 7424 | **Ex. 6** F: +1 202 312 7460
>
> **Faegre Baker Daniels Consulting**
> 1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/6/2017 5:51:42 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: RE: EPW Form

Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, October 6, 2017 1:40 PM
To: Palich, Christian <palich.christian@epa.gov>
Subject: RE: EPW Form

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | Ex. 6 F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Friday, October 06, 2017 1:38 PM
To: Wheeler, Andrew R.
Cc: Jackson, Ryan
Subject: RE: EPW Form

Perfect. **Deliberative Process / Ex. 5**

Thanks Andrew and have a terrific weekend!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, October 6, 2017 1:34 PM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: EPW Form
Importance: High

Attached is my EPW form. Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | Ex. 6 F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/18/2017 7:43:42 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
Subject: RE: Heads Up

Thanks for letting us know Andrew.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Wednesday, October 18, 2017 3:28 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: Heads Up

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/12/2017 8:32:08 PM
To: Wehrum, William L. [wwehrum@hunton.com]
CC: Aaron Ringel (ringel.aaron@epa.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]
Subject: FW: Cleared Final QFR's
Attachments: FINAL Wehrum QFRs 10.12.2017.pdf

Updated version attached for your records Bill. Enjoy the evening!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Frye, Tony (Robert)
Sent: Thursday, October 12, 2017 4:30 PM
To: Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>
Subject: RE: Cleared Final QFR's

UPDATED document attached.

From: Palich, Christian
Sent: Thursday, October 12, 2017 4:24 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Fwd: Cleared Final QFR's

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

Begin forwarded message:

> **From:** "Wehrum, William L." <wwehrum@hunton.com>
> **Date:** October 12, 2017 at 4:19:15 PM EDT
> **To:** "Palich, Christian" <palich.christian@epa.gov>
> **Cc:** "Ringel, Aaron" <ringel.aaron@epa.gov>, "Lyons, Troy" <lyons.troy@epa.gov>
> **Subject: RE: Cleared Final QFR's**
>
> Christian – A few nits:

1. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

2. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

3. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Otherwise, I'm good.

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Thursday, October 12, 2017 3:16 PM
To: Wehrum, William L.
Cc: Ringel, Aaron; Lyons, Troy
Subject: Cleared Final QFR's

Hi Bill,

See attached final QFR's, please take a final read through. We owe them to committee no later than 4:30pm.

Thanks!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/12/2017 8:29:46 PM
To: Wehrum, William L. [wwehrum@hunton.com]
CC: Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: RE: Cleared Final QFR's

Thanks Bill, will make changes and send to EPW. Thanks!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wehrum, William L. [mailto:wwehrum@hunton.com]
Sent: Thursday, October 12, 2017 4:19 PM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Ringel, Aaron <ringel.aaron@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: Cleared Final QFR's

Christian – A few nits:

1. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

2. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

3. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Otherwise, I'm good.

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Thursday, October 12, 2017 3:16 PM
To: Wehrum, William L.
Cc: Ringel, Aaron; Lyons, Troy
Subject: Cleared Final QFR's

Hi Bill,

See attached final QFR's, please take a final read through. We owe them to committee no later than 4:30pm.

Thanks!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/17/2017 5:28:20 PM
To: Andrew.Wheeler@FaegreBD.com
CC: Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Cleared QFR's
Attachments: FINAL ALL QFR's Wheeler 11.17.2017.docx; ATT00001.htm

Hi Andrew,

Please take a final look at your WH and EPA cleared QFR's. If all is good with you on these answers we will PDF and send to committee Monday morning.

Have a terrific weekend!

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

Senate Committee on Environment and Public Works
Hearing entitled *"Hearing on the Nominations of Kathleen Hartnett White to be Member of the Council on Environmental Quality and Andrew Wheeler to be Deputy Administrator of the Environmental Protection Agency."*
November 8, 2017
Questions for the Record for Mr. Andrew Wheeler

Ranking Member Carper:

Please provide a response to each question, ***including each sub-part.***

1. For decades, both Republican and Democratic administrations alike have had written policies limiting White House contacts with agencies that have investigatory and enforcement responsibilities. These policies have recognized that even a simple phone call from the White House to an agency inquiring about or flagging a specific matter can upset the evenhanded application of the law. I recently learned that Devon Energy, a strong political supporter of Administrator Pruitt's, informed the EPA just 5 days after Mr. Pruitt was sworn in as Administrator that it was no longer willing to install air pollution technology or pay a high penalty to EPA for its illegal air emissions of cancer-causing benzene and other chemicals. We also know that Trump family casinos, hotels and golf courses have been the subject of EPA enforcement actions for violations of the Clean Air Act and Clean Water Act.
   a. Do you agree that it is essential that in making decisions, EPA must be shielded from political influence and spared even the appearance of being subject to political influence or considerations?

Deliberative Process / Ex. 5

   b. Will you commit to restricting communications between EPA and the White House staff regarding specific matters under the authority of EPA?

Deliberative Process / Ex. 5

   c. Will you commit to ensuring the staff of EPA is familiar with those restrictions?

Deliberative Process / Ex. 5

   d. Will you commit to advising this Committee within one week if any inappropriate communications from White House staff to EPA staff, including you, occur?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

2. Recently, EPA conducted "anti-leaking" training for its employees[1]. According to EPA sources, the briefing stated that "Prohibitions we will discuss do not refer to "Whistleblowing". Agency employees have the right to make lawful disclosures to anyone, including, for example, management officials, the Inspector General, and/or the Office of Special Counsel. Employees may make disclosures to the EPA Office of the Inspector General through the EPA OIG Hotline at 888-546-8740." This presentation evidently failed to note the rights of federal employees have to make disclosures to Congress.
   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 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.
   a. If you are confirmed, will you commit to protect the rights of all career employees in EPA to make lawful disclosures, including their right to speak with Congress?

Deliberative Process / Ex. 5

   b. Will you commit to communicate employees' whistleblower rights via email to all EPA employees within a week of being sworn in?

Deliberative Process / Ex. 5

[1] https://www.washingtonpost.com/politics/whitehouse/federal-employees-are-ordered-to-attend-anti-leaking-classes/2017/09/21/032b40d6-9edd-11e7-b2a7-bc70b6f98089_story.html?utm_term=.e2bfc5e54d95

Deliberative Process / Ex. 5

3. In the wake of Hurricane Irma, at least 11 deaths and numerous injuries have been reported in Florida due to accidental carbon monoxide poisoning from gasoline-powered portable generators.[2] One additional death has also been reported in North Carolina, along with other injuries throughout the Southeastern United States.[3] Many of these deaths and injuries could have been prevented had stronger safety standards been in place for portable gasoline generators. In November 2016, the U.S. Consumer Product Safety Commission (CPSC), following years of work on the issue, voted to issue a Notice of Proposed Rulemaking (NPRM) to implement a mandatory safety standard for portable generators.[4] Since then, Administrator Pruitt and Acting CPSC Chairman Buerkle have separately opined that section 213 of the Clean Air Act precludes CPSC action.
    a. Section 213 of the Clean Air Act is intended to regulate emissions from non-road engines or vehicles when the EPA determines that such emissions "are significant contributors to ozone or carbon monoxide concentrations in more than 1 area which has failed to attain the national ambient air quality standards for ozone or carbon monoxide." In your opinion, would the occasional indoor use of portable generators following a power outage be likely to be a significant contributor to ambient carbon monoxide concentrations in more than 1 area that has failed to attain the national ambient air quality standards for carbon monoxide? Why or why not?

Deliberative Process / Ex. 5

    b. There are currently no areas in the United States that have failed to attain the national ambient air quality standards for carbon monoxide, and this has been the case since 2010[5]. As a matter of law, could section 213 of the Clean Air Act be used to regulate carbon monoxide emissions due to the indoor use of portable generators if there are no areas in the United States that fail to attain the national ambient air quality standards for carbon monoxide? Why or why not?

Deliberative Process / Ex. 5

4. Your ethics agreement states that you "for a period of one year after my resignation, I also will not participate personally and substantially in any particular matter involving

[2] http://www.miamiherald.com/news/weather/hurricane/article174097351.html http://www.sun-sentinel.com/news/weather/hurricane/sfl-carbon-monoxide-deaths-20170914-story.html
[3] http://www.charlotteobserver.com/news/article173612361.html
[4] https://www.federalregister.gov/documents/2016/11/21/2016-26962/safety-standard-for-portable-generators
[5] https://www.epa.gov/green-book/green-book-carbon-monoxide-1971-area-information

specific parties in which I know the firm is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. 2635.502(d). In addition, I will not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. 2635.502(d)."

a. Please provide a list of all such particular matters involving specific parties that you will either need to recuse yourself from or seek authorization to participate in. For each such particular matter, please also indicate whether you plan to seek authorization to participate.

Deliberative Process / Ex. 5

b. 5 C.F.R 2635.502(a) states that:

> "where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee in accordance with paragraph (d) of this section."

Do you agree that you or your firm's representation of clients in particular matters that are before EPA would cause a reasonable person with knowledge of the relevant facts to question your impartiality if you are confirmed and continue to participate either in the particular matter itself or in an administrative action designed to accomplish the identical outcome the particular matter was intended to accomplish? Why or why not?

Deliberative Process / Ex. 5

5. Do you intend to seek a waiver to participate in non-public meetings with your former clients or your firm's clients if you are confirmed? If so, please list which clients you

intend to seek such waivers to meet with and explain will why this would not cause a reasonable person with knowledge of the relevant facts to question your impartiality in the matter at hand.

Deliberative Process / Ex. 5

6. On February 28, 2017, President Trump directed EPA and the Army Corps to review and possibly rescind or repeal the Clean Water Rule in Executive Order 13776. EPA recently ended the public comment process on the first step of a two-step process to repeal the rule and replace it with a rule that will protect far fewer sources of drinking water. Individuals with first-hand knowledge of the process EPA utilized to prepare its have informed my staff that:

    i) When EPA first submitted the proposed repeal rule to OMB, the draft stated that the agency would undertake a new cost-benefit analysis as part of the second step of its process.
    ii) OMB interpreted EPA's first proposal to mean that the rule's repeal would not avoid any costs to industry or have any economic impact at all. EPA's political staff then directed the career staff to undertake a new economic analysis. In response to this direction from OMB, EPA career staff reportedly changed the table included in the 2015 rule to a) reflect 2016 dollars instead of 2014 dollars, b) convert "annual costs incurred" under the Clean Water Rule to "annual costs avoided" due to its repeal and c) convert "annual benefits gained" under the Clean Water Rule to "annual benefits forgone" due to its repeal. This new table was sent to OMB on June 8, 2017.
    iii) OMB correctly concluded from EPA's June 8 submittal that repealing the rule would cost more in lost benefits than it would save industry in compliance costs. On June 13, 2017, presumably to avoid such an admission on the part of EPA, EPA career staff were verbally directed by political staff to solve this 'problem' by simply deleting the majority of the benefits of the rule from the table and re-submitting it to OMB, which they did[6].

The direction that was reportedly provided to the EPA career staff to make the various revisions to what was submitted to OMB was verbal, not written.

a. If you are confirmed, do you commit to ensure that career staff at EPA will receive appropriately documented, rather than verbal, direction from political officials before they take action? If not, why not?

Deliberative Process / Ex. 5

[6] https://www.epa.gov/sites/production/files/2017-06/documents/economic_analysis_proposed_step1_rule.pdf See Table 1

b. You said in the hearing that it would be wrong to direct career staff to break the law. Assuming that the events described to my staff occurred as described (and understanding that you don't have any specific knowledge about these events), is it your view that this may have been an instance in which career staff were directed to break the law? Why or why not?

Deliberative Process / Ex. 5

7. Do you agree to provide complete, accurate and timely responses to requests for information submitted to you by any Member of the Environment and Public Works Committee? If not, why not?

Deliberative Process / Ex. 5

8. Recently, EPA announced that Administrator Pruitt would be publishing brief summaries of his calendars biweekly, after dozens of Freedom of Information Act requests for this information as well as a March request by me and my colleagues that he do so. During the Obama Administration, the Administrator, regional Administrators and all those serving in confirmed roles published their calendars daily[7]. If you are confirmed, will you commit to publishing your calendars daily? If not, why not?

Deliberative Process / Ex. 5

9. In a *per curiam* opinion, the U.S. Circuit Court of Appeals for the District of Columbia affirmed the Endangerment Finding and the U.S. Supreme Court declined to issue a writ of certiorari on the D.C. Circuit's decision. The Endangerment Finding set in motion EPA's legal obligations to set greenhouse gas emissions standards for mobile and stationary sources, including those established by the Clean Power Plan in August 2015.[8] During an exchange with Senator Gillibrand during Administrator Pruitt's confirmation hearing before the Environment and Public Works Committee, he stated, "I believe that the EPA, because of the Mass v. EPA case and the endangerment finding, has obligations to address the CO2 [carbon dioxide] issue." Do you agree with Administrator Pruitt's statement? Why or why not?

Deliberative Process / Ex. 5

10. In December 2007, President Bush's EPA proposed to declare greenhouse gases as a danger to public welfare through a draft Endangerment Finding, stating, "The Administrator proposes to find that the air pollution of elevated levels of

[7] https://yosemite.epa.gov/opa/admpress.nsf/Calendars?OpenView
[8] https://www.epa.gov/climatechange/us-court-appeals-dc-circuit-upholds-epas-action-reduce-greenhouse-gases-under-clean

greenhouse gas (GHG) concentrations may reasonably be anticipated to endanger public welfare…Carbon dioxide is the most important GHG (greenhouse gas) directly emitted by human activities, and is the most significant driver of climate change." [9] Do you agree with these statements? Why or why not?

Deliberative Process / Ex. 5

11. The Rule of Law Defense Fund is an affiliate of the Republican Attorneys General Association. Have you ever contributed any money or time to the Rule of Law Defense Fund? If so, please provide details.

Deliberative Process / Ex. 5

12. In the *White Stallion Energy Center v. EPA, February 2012,* industry argued, "the record does not support EPA's findings that mercury, non-mercury HAP metals, and acid gas HAPs [hazardous air pollutants] pose public health hazards."[10] Do you agree with this statement? Why or why not?

Deliberative Process / Ex. 5

13. On April 17, 2012, Dr. Jerome Paulson, Chair, Council on Environmental Health, American Academy of Pediatrics, testified before the EPW Committee, stating, "Methyl mercury causes localized death of nerve cells and destruction of other cells in the developing brain of an infant or fetus. It interferes with the movement of brain cells and the eventual organization of the brain…The damage it [methylmercury] causes to an individual's health and development is permanent and irreversible. …There is no evidence demonstrating a "safe" level of mercury exposure, or a blood mercury concentration below which adverse effects on cognition are not seen. Minimizing mercury exposure is essential to optimal child health."[11]
    a. Do you agree with the American Academy of Pediatrics' finding on the importance of minimizing mercury exposures for child health? If not, please cite the scientific studies that support your disagreement.

Deliberative Process / Ex. 5

    b. Do you agree the record supports EPA's findings that mercury, non-mercury hazardous air pollutant metals, and acid gas hazardous air pollutants emitted from uncontrolled power plants pose public health hazards? If not, why not?

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[9] https://insideclimatenews.org/sites/default/files/2007_Draft_Proposed_Endangerment_Finding.pdf
[10] https://www.cadc.uscourts.gov/internet/opinions.nsf/284AC47088C07D0985257CBB004F0795/%24file/12-1100-1488346.pdf
[11] https://www.epw.senate.gov/public/_cache/files/4/3/4324fd62-dc89-4820-bd93-ff3714fcbe30/01AFD79733D77F24A71FEF9DAFCCB056.41712hearingwitnesstestimonypaulson.pdf

Deliberative Process / Ex. 5

c. Do you agree it is currently difficult to monetize the reduced risk of human health and ecological benefits from reducing mercury emissions from power plants? If so, please explain. If not, why not? If these costs cannot be calculated, are the risks still real?

Deliberative Process / Ex. 5

14. 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?

Deliberative Process / Ex. 5

15. Do you agree that the EPA's recent consideration of the costs of the Mercury and Air Toxics Standards Rule 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?

Deliberative Process / Ex. 5

16. The Edison Electric Institute (EEI), the association that represents all U.S. investor-owned electric companies, has told my staff that, to its knowledge, all of its member companies have fully implemented the Mercury and Air Toxics Standards Rule. EPA staff has reported to my staff something similar. The Mercury and Air Toxics Standards Rule protects our children from harmful mercury and air toxics pollution; and by industry accounts is already being met with technology that is already bought, paid for and running on almost all our power plants.
    a. Do you dispute reports that nearly all covered facilities are already in compliance with the Mercury and Air Toxics Standards? If so, please explain.

Deliberative Process / Ex. 5

    b. According to a recent report by Bloomberg New Energy Finance Report and the Business Council for Sustainable Energy, "consumers now pay 3% less per

kilowatt-hour for electricity than in 2007."[12] This means the near universal compliance of the Mercury and Air Toxics Standards Rule has been achieved without significant impacts to electricity reliability or affordability, in fact electricity prices have gone down. Do you agree? If not, why not?

Deliberative Process / Ex. 5

c. Even though industry has achieved near universal compliance with the Mercury and Air Toxics Standards and electricity prices have gone down, not up, Administrator Pruitt is currently reviewing whether it is "appropriate and necessary" to issue the standards in the first place. Do you agree that the EPA should be conducting this review, and if so, why?

Deliberative Process / Ex. 5

d. If the EPA determines the agency has not met the "necessary and appropriate" criteria found in Section 112(n), and revokes the Mercury and Air Toxics Standards Rule, what does that mean for all the pollution control technology that has been bought, paid for and running on our power plants that is helping the industry be in full compliance of the rule?

Deliberative Process / Ex. 5

17. 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. Please respond to each sub-part below:
    a. 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?

Deliberative Process / Ex. 5

    b. 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"? If you do not agree, why not?

[12] http://www.bcse.org/wp-content/uploads/2017-Sustainable-Energy-in-America-Factbook-Executive-Summary.pdf

Deliberative Process / Ex. 5

c. Do you agree that the Trump Administration's November 6, 2017 announcement that "the Clean Air Act requires EPA to issue designations [for non-attainment areas] no later than 2 years after the agency sets a new National Ambient Air Quality Standard or revises an existing standard. The Administrator may extend this deadline up to 1 year, if there is insufficient information to designate areas by the 2-year deadline"[13] is accurate? If not, why not?

Deliberative Process / Ex. 5

d. Do you agree that the agency set a new National Ambient Air Quality Standard for ozone on October 1, 2015[14], as was also stated in the Trump Administration's November 6, 2017 announcement? If not, why not?

Deliberative Process / Ex. 5

e. Do you agree that the November 6, 2017 announcement by the Trump Administration stated that "EPA is not extending the time provided under section 107 of the Clean Air Act [to designate non-attainment areas] but is not yet prepared to issue designations"?

Deliberative Process / Ex. 5

f. Do you agree that the Trump Administration has failed to comply with the Clean Air Act by failing to designate ozone non-attainment areas by October 1, 2017 while also choosing not to extend the deadline for such designations to be made?

Deliberative Process / Ex. 5

g. If confirmed, will you commit to not further delay the implementation of the 2015 ozone NAAQS? If not, why not?

Deliberative Process / Ex. 5

18. Do you agree with President Trump's decision to withdraw the United States from the International Paris Climate Accord? If so, please explain.

[13] https://www.epa.gov/sites/production/files/2017-11/documents/fact_sheet_for_final_ozone_designations_round_1.pdf
[14] https://www.epa.gov/ozone-pollution/2015-revision-2008-ozone-national-ambient-air-quality-standards-naaqs-supporting

Deliberative Process / Ex. 5

19. In part of his justifications for withdrawing from the Paris Climate Agreement, President Trump stated the Paris Accord could, "cost America as much as 2.7 million lost jobs by 2025 according to the National Economic Research Associates (NERA)."[15] This economic statistic and others linked to the NERA study were also distributed in White House materials as reasons the President was deciding to withdraw from the Paris Accord. Soon after the President's speech, NERA stated, "In a set of talking points distributed by the White House in conjunction with its announcement of the US withdrawal from the Paris Agreement, the Trump Administration selectively used results from a NERA Economic Consulting study, "Impacts of Greenhouse Gas Regulations on the Industrial Sector." ... Use of results from this analysis as estimates of the impact of the Paris Agreement alone mischaracterizes the purpose of NERA's analysis, which was to explore the challenges of achieving reductions from US industrial sectors over a longer term. Selective use of results from a single implementation scenario and a single year compounds the mischaracterization."[16]
    a. In light of the NERA statement, do you think the President misspoke when he wrongly cited information from the NERA study in his Paris speech? If not, why not?

Deliberative Process / Ex. 5

    b. If confirmed, will you commit that you will not distort the NERA study – or any other economic study - to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?

Deliberative Process / Ex. 5

    c. After the President's Paris Climate Accord speech, MIT's Joint Program on the Science and Policy of Global Change issued a statement stating the President's characterization of their analysis of the Paris Accord to be misleading.[17] If confirmed, will you commit that you will not distort the climate science studies to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?

Deliberative Process / Ex. 5

[15] https://www.whitehouse.gov/the-press-office/2017/06/01/statement-president-trump-paris-climate-accord
[16] http://www.nera.com/news-events/press-releases/2017/nera-economic-consultings-study-of-us-emissions-reduction-polici.html
[17] http://news.mit.edu/2017/mit-issues-statement-research-paris-agreement-0602

20. As you may know, American Indians and Alaska Natives share a unique relationship with the federal government. As part of that relationship, the federal government has a duty to perform meaningful consultation with Indian Tribes and Alaska Native villages regarding issues that affect tribal communities and tribal members. Do you commit to engage in essential and honest consultation with tribes and tribal governments?

Deliberative Process / Ex. 5

21. An article[18] about the President's decision to leave the Paris Climate Agreement in Inside Climate News stated that "Other hardliners include Murray Energy's chief executive Robert Murray and his coal company's lobbyist, Andrew Wheeler, who helped enlist Pruitt to talk to the National Mining Association before it joined the rejection lobby." Is this excerpt accurate? If so, please describe the manner in which you helped "enlist Pruitt to talk to the National Mining Association" and provide any documents you prepared or received that are related to this effort. If not, please describe the inaccuracies.

Deliberative Process / Ex. 5

22. Please provide me with a copy of the following presentations that are listed in the materials you sent the Committee: **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

23. Earlier this year, the fiscal year 2018 budget proposal[19] submitted to Congress sought to eliminate the $20 million in funding the EPA provides for the Justice Department's Environment and Natural Resources Division. EPA has historically provided about 27 percent of that office's budget. Do you support such a reduction in funding? Please provide your reasoning and any information you have supporting your answer.

Deliberative Process / Ex. 5

[18] https://insideclimatenews.org/news/05052017/paris-agreement-climate-change-donald-trump-jared-kushner-steve-bannon-clean-power-plan

[19] https://www.documentcloud.org/documents/4061910-EPA-Superfund-reimbursements-to-DOJ-documents.html#document/p7/a378119

24. Since 1987, how much funding has been provided to ENRD by EPA? How much money has DOJ secured through fines, penalties, and commitments to remediate contamination and pollution during this same time period?

Deliberative Process / Ex. 5

25. In September, the EPA Inspector General issued a report titled "EPA's Distribution of Superfund Human Resources Does Not Support Current Regional Workload." It concluded, among other things, that one of the impediments to progress in cleaning up Superfund sites is lack of adequate EPA staff. Do you agree with and accept the conclusions of the IG in this regard? If not, why not?

Deliberative Process / Ex. 5

26. The Administration's budget request proposes to reduce the size of EPA's workforce by approximately 3000 Full Time Employees (FTEs) in FY 2018, including just under 600 FTEs in the Superfund program. Administrator Pruitt has stated that he would like to greatly accelerate the cleanup of hazardous waste sites, in particular Superfund sites. Do you believe that reducing the Superfund workforce by 23 percent will accelerate or reduce the pace of cleanups at Superfund sites across the country?

Deliberative Process / Ex. 5

27. This country just suffered three unusually intense hurricanes in quick succession – including one in your home state of Texas and one that has left the majority of Puerto Rico without electricity and water for weeks. Over 137 wildfires have raged in the West, costing hundreds of billions of dollars in damages and dozens of lost lives. Two weeks ago, the Trump White House released a final (i.e., not draft, as was inaccurately asserted at the hearing) report[20] that concluded that, quote, "it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century." The report also documented increases in sea levels, heatwaves, wildfires, and flooding, and said that, quote, "Changes in the characteristics of extreme events are particularly important for human safety."

    a. Do you accept the evidence that carbon dioxide pollution is causing the earth to warm, that human activity is responsible for that warming, and that with increased warming comes an increased frequency and intensity of extreme flooding,

[20] https://science2017.globalchange.gov/

hurricanes and wildfires? If not, please fully document the basis for such rejection.

Deliberative Process / Ex. 5

b. Do you agree with the report's conclusion that "it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century?" If not, please fully document the basis for your disagreement.

Deliberative Process / Ex. 5

c. Do you agree with the report's documentation that demonstrated increases in sea levels, heatwaves, wildfires, and flooding? If not, please fully document the basis for your disagreement.

Deliberative Process / Ex. 5

28. The CO2 Coalition[21] is a group that promotes misinformation about climate science. In February of this year, Ms. White spoke on a panel hosted by the CO2 Coalition. There she described the CO2 Coalition as, a "very, very meaningful source [of information]," and said that she is "very hopeful because of organizations like the CO2 Coalition." The group also produces 30 second cartoons extolling the virtues of increased levels of CO2 in the atmosphere[22]. Do you agree with Ms. White's statements, and do you agree that the CO2 Coalition is a meaningful source of information on climate change? If not, why not?

Deliberative Process / Ex. 5

29. Can you name one Clean Air Act regulation that was promulgated by the Obama Administration – not a voluntary or grant program – that you do support, and why?

Deliberative Process / Ex. 5

[21] http://co2coalition.org/
[22] https://youtu.be/5Oapr4fopuI

30. Are there any other EPA regulations – not a voluntary or grant program - that are on the books today that you support? If so, which ones?

Deliberative Process / Ex. 5

Senator Gillibrand:

31. Cleaning up Superfund sites is a core function of the EPA. However, the Trump Administration proposed cutting the Superfund budget by 30 percent in this year's budget. If enacted, those cuts would imperil the ability of the EPA to clean up the most hazardous contamination in New York and across the country. The longer it takes to clean up Superfund projects, the longer the health of children and families who live near these toxic sites are put at risk. This is immoral, and an abdication of the EPA's responsibility to protect public health. Do you support the cuts to the Superfund program that were in President Trump's budget request?

Deliberative Process / Ex. 5

Senator Inhofe:

32. In 2016, President Obama signed a bi-partisan provision of the WIIN Act allowing states to develop risk-based programs to manage coal ash from power plants. Unfortunately, before the WIIN Act became law, EPA had issued self-implementing coal ash regulations under the RCRA program. Accordingly, the existing EPA regulations do not contain the flexibility and protections established by the WIIN Act. Many groups -- including electric co-ops and public power -- have repeatedly asked EPA to harmonize its existing regulations with the WIIN Act. There is increasing urgency for EPA to act now to allow states the ability regulate coal ash. It is the desire of the states that regulate electric power generating plants to exercise their rights under the WIIN Act. If confirmed, will you pledge to work with me to address this issue?

Deliberative Process / Ex. 5

Senator Merkley:

33. In a recent public disclosure of Administrator Pruitt's calendar of meetings, less than 3% of his meetings were with public health and environmental advocacy organizations, whereas over 25% of his meetings were with industry representatives. Do you believe

this reflects fair and balanced input from public health and environmental advocacy organizations?

Deliberative Process / Ex. 5

34. In the final version of the Fourth National Climate Assessment Report (Volume 1) (found here: (found here: https://science2017.globalchange.gov/downloads/), scientists from EPA and 12 other agencies find that "Global annual average temperature has increased by more than 1.2°F (0.7°C) for the period 1986– 2016 relative to 1901–1960." (Figure ES.1)
    a. Do you agree with this finding?
    b. If you do not agree with this finding, please explain why, and please provide at least one peer reviewed study supporting your stated position.

Deliberative Process / Ex. 5

35. In the hearing you said, "I believe that man has an impact on the planet. What's not completely understood is what the impact is." Yet the Fourth National Climate Assessment finds that "human activities are the primary driver of recent global temperature rise" (Figure ES. 2).
    a. Do you agree with this finding?
    b. If you do not agree with this finding, please explain why, and please provide at least one peer reviewed study supporting your stated position.

Deliberative Process / Ex. 5

36. You told me in our conversation that when it comes to scientific matter, you would defer to career staff and independent scientists. However, recently the EPA banned scientists who have received EPA funding from sitting on the agency's science advisory boards. As a result, many independent scientists were dismissed before they even completed their terms. EPA has not raised similar concerns about potential conflicts of interest for scientists who work for industries that EPA regulates. At the same time, EPA is replacing these scientists with people from the very industries that the EPA is support to regulate.
    a. Do you agree that EPA should bar scientists from serving on its advisory boards simply because they have received funding through EPA grants?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

b. Do you think it is acceptable for someone who receives money from Exxon-Mobil or even from a foreign government to serve but not someone who receives a grant from the agency itself?

Deliberative Process / Ex. 5

c. How is EPA supposed to carry out its mission to protect human health and the environment when it receives scientific advices from the industries that the agency is supposed to regulate?

Deliberative Process / Ex. 5

37. As a lobbyist for Murray Energy, you were present for the preliminary discussions that led to the crafting of the Department of Energy's cost recovery proposal for coal and nuclear plants. You also viewed a three-page memo drafted by Murray to the White House to revive the domestic coal sector. Additionally, you admitted to attending two meetings with DOE and the House Energy and Commerce committee staffers. As the EPA Deputy Administrator, you would be in charge of regulating companies like Murray Energy, one of your former clients. Moving forward, how will you guarantee that the EPA will act in the best interests of the American people rather than in the interests of your former clients?

Deliberative Process / Ex. 5

Senator Sanders:

Climate Change

38. President Trump has suggested in the past that climate change is a hoax. Is the President correct? Is climate change a hoax?

Deliberative Process / Ex. 5

39. Do you agree with the vast majority of scientists that climate change is real, it is caused by human activity, and that we must aggressively transition away from fossil fuels and toward energy efficiency and sustainable energy like wind, solar, and geothermal?

Deliberative Process / Ex. 5

40. Do you agree with the vast majority of scientists that the combustion of fossil fuels contributes to climate change?

Deliberative Process / Ex. 5

41. This past year, we have seen unprecedented devastation from hurricanes Harvey, Irma and Maria plus dozens of wildfires that have ravaged the West.

    a. Do you believe, as the scientific community does, that climate change contributes to the frequency and devastation of these natural disasters?

    Deliberative Process / Ex. 5

    b. Congress has already appropriated $51.8 billion to address these disasters, and we intend to continue to work to rebuild communities devastated by the impacts of these disasters. A recent study published in the journal *Science* found that for every degree Celsius the planet warms, there is a loss of roughly 1.2% GDP in the United States. Do you believe that addressing climate change is good economics?

    Deliberative Process / Ex. 5

Fossil Fuels

42. In your view, how important is it for the United States to reduce our reliance on fossil fuels?

Deliberative Process / Ex. 5

43. You previously worked at Murray Energy Corporation, a privately-owned coal company. Do you believe the federal government needs to invest more in polluting, finite fossil fuel resources like coal?

Deliberative Process / Ex. 5

44. EPA is tasked with ensuring the health and safety of working people, their families, and the communities in which they live. If confirmed, will you commit to refusing undue influence from special interests and instead fight to protect the environment?

Deliberative Process / Ex. 5

Energy Future

45. In your view, what is the role of renewable energy in our energy future?

Deliberative Process / Ex. 5

46. If confirmed, how will you work to support renewable energy like wind, solar, and geothermal?

Deliberative Process / Ex. 5

47. In your view, what should the United States' energy infrastructure look like at the end of this century? Specifically, what should be our main sources of energy?

Deliberative Process / Ex. 5

Past Career/Conflicts of Interest

48. In the past, you worked for Murray Energy Corporation, which brought suit against the EPA for its enforcement of the clean air and water protections. Can you explain why federal courts should be in the position of determining safe levels of air pollution to protect the health and welfare of Vermonters, as opposed to the federal Agency whose mission it is to protect human and environmental health?

Deliberative Process / Ex. 5

49. Your former clients include Whirlpool Corporation, Bear Head LNG Corporation, Celanese Corporation, Coalition For Domestic Medical Isotope Supply, Darling International, Domestic Fuel Solutions Group, Enterprises Swanco LLC, ICOR International, Insurance Auto Auctions, Inc, KAR Holdings, Murray Energy, Nuclear Energy Institute, Sargento Foods Inc, South Coast Air Quality Management District, and Underwriters Laboratories. If confirmed as Deputy Administrator of the EPA, would you have any conflicts of interest with these companies, or any other companies you represented during your time as a lobbyist? If so, will you commit to recuse yourself for the full course of any matter in which any of your former clients is a party? If not, why not?

Deliberative Process / Ex. 5

50. Murray Energy Corporation paid millions in fines and penalties for contaminating waterways in Ohio, West Virginia and Pennsylvania with coal slurry and discharge during your tenure.

    a. Were you aware this type of environmental contamination was occurring? If you were aware, what actions did you take to address this water contamination? If you were aware of the contamination and did not act, why not? If you were not aware, why not? Do you think it is acceptable for a senior corporate official to lack knowledge of their company's pollution?

Deliberative Process / Ex. 5

    b. Do you believe this type of environmental contamination endangers the health and wellbeing of American citizens?

Deliberative Process / Ex. 5

    c. If confirmed, how will you ensure corporate environmental polluters like Murray Energy Corporation are held accountable?

Deliberative Process / Ex. 5

51. In 2015, Federal regulators accused Murray Energy of attempting to silence whistleblowers and said that "Murray Energy chided 3,500 workers for making too many confidential safety complaints to regulators and -- at one of the mines -- threatened to retaliate by closing down operations."

a. If confirmed, how will you work to prevent retaliation against whistle blowers who help the federal government enforce the nation's environmental laws?

Deliberative Process / Ex. 5

b. Were you aware of this behavior? If you were aware, what did you to do ensure Murray complied with environmental laws and took whistleblower complaints seriously? If you were not aware, how will you ensure EPA employee's concerns are taken seriously, if confirmed?

Deliberative Process / Ex. 5

52. You criticized the Paris Climate Agreement, calling it a "sweetheart deal" for China that gave the United States' competitor a manufacturing edge. China is still in the deal, and their climate policies are rapidly outpacing ours. China is moving away from dirty fossil fuels at a rate much quicker than the United States, and they are on track to more than double their renewable energy infrastructure and get a fifth of their energy from non-fossil fuel sources by 2030.
    a. If both countries remain on their current paths, China will soon replace us as the world's technological and economic leader in the fields of climate science and energy generation. Do you believe we should continue to allow China to out-compete us in these areas?

Deliberative Process / Ex. 5

    b. Should the U.S. be concerned that China is rapidly outpacing us in these areas? Do you recognize that China's leadership in these fields represents a threat to our economy and national security?

Deliberative Process / Ex. 5

    c. The Carnegie Mellon Institute estimates that air pollution from energy production caused at least $131 billion in damages in the U.S. alone. Do you think this financial drain threatens our ability to compete with countries like China on the international scale?

Deliberative Process / Ex. 5

Science

53. If confirmed, do you commit to relying on independent scientists with relevant expertise to evaluate and review the data that the EPA uses when making decisions related to the implementation of environmental regulations?

Deliberative Process / Ex. 5

Most Pressing Challenges

54. In your opinion, what are the most pressing environmental challenges that deserve the attention of the EPA? If confirmed, what will you do at the EPA to better address these challenges?

Deliberative Process / Ex. 5

Environmental Regulations

55. If confirmed, do you commit to upholding the goal of the Clean Air Act, which according to the EPA website is "to address the public health and welfare risks posed by certain widespread air pollutants"?

Deliberative Process / Ex. 5

56. Do you support EPA Administrator Pruitt's decision to rescind the Clean Power Plan?

Deliberative Process / Ex. 5

57. 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."

    a. Do you agree with the EPA's findings? If you do agree or are unfamiliar with these data, do you agree that, if the EPA's estimations are correct, we have a moral imperative to maintain the Clean Power Plan and protect the thousands of people that it positively impacts? If you do not agree with the EPA's findings, on which data or scientific studies do you base your opinion?

Deliberative Process / Ex. 5

    b. If confirmed, what will you tell the parents who have children with asthma that will be adversely impacted by Administrator Pruitt's decision to rescind the Clean Power Plan?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

58. Oil and natural gas extraction by way of hydraulic fracturing, or "fracking," has expanded rapidly in the United States. The EPA conducted a study of the 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."
    a. Do you concur with the conclusions of the EPA's final report on fracking and drinking water?

Deliberative Process / Ex. 5

    b. What further studies—if any—do you believe would be appropriate for the EPA to conduct on the effects of fracking on water quality?

Deliberative Process / Ex. 5

    c. If confirmed, would you support implementing a requirement to provide full, well-specific public disclosure of all information related to oil and gas development involving fracking's possible impacts on groundwater, surface water, public health and safety, and habitat potential impacts?

Deliberative Process / Ex. 5

59. 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.

Given this scientific confirmation of the positive effects of these regulations, what will you do, if confirmed, to continue to accelerate the clean-up of all sources of mercury emissions, including from coal power plants?

Deliberative Process / Ex. 5

60. 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. If confirmed, how will you work as Deputy Administrator to support water resource management programs that address these issues?

Deliberative Process / Ex. 5

Environmental Justice

61. How do you define "environmental justice"?

Deliberative Process / Ex. 5

62. Do you think environmental justice is a serious issue that the EPA should address?

Deliberative Process / Ex. 5

63. If confirmed, will you commit to addressing the growing environmental and economic justice issues associated with exposure to environmental pollution?

Deliberative Process / Ex. 5

64. Latino children are twice as likely as non-Latino white children to die from asthma while, from 2012-2014, African American children had a death rate ten times that of non-Latino white children. African American children are three times as likely to suffer an asthma attack. As Deputy Administrator, how will you work to protect vulnerable low-income communities and communities of color from the harmful impacts of air pollution?

Deliberative Process / Ex. 5

65. Describe how you will, if confirmed, ensure that EPA's Environmental Justice 2020 plan is fully implemented.

Deliberative Process / Ex. 5

66. If confirmed, do you commit to meeting with community members and leaders who have concerns about environmental or health issues within the EPA's jurisdiction?

Deliberative Process / Ex. 5

67. If confirmed, what steps will you take as Deputy Administrator to ensure that the EPA and other federal agencies are complying with Executive Order 12989 on Environmental Justice?

Deliberative Process / Ex. 5

68. If confirmed, will you commit to addressing issues of environmental justice in Native American communities and offer a voice to those most affected by the environmental consequences of industrialization, especially in regard to resources protected by treaties?

Deliberative Process / Ex. 5

Vermont

69. 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 is important to Vermonters. Run-off – including from farmlands, lawns, and paved roads and point source pollution – contributes to high levels of phosphorus that spur algae growth. The algae turns the lake green and can be toxic. In 2016, the EPA released new phosphorus limits for the lake by establishing a Total Maximum Daily Load (TMDL).
    a. If confirmed, do you commit to continuing the Agency's support for the clean-up of Lake Champlain through this new TMDL and federal funding?

Deliberative Process / Ex. 5

    b. Will you, if confirmed, support increased funding and support from the EPA to crack down on pollution? If not, how will you ensure Clean Water Act obligations are satisfied?

Deliberative Process / Ex. 5

<u>Senator Sullivan:</u>

Permitting:

70. The EPA has jurisdiction over permitting for discharges of effluent into water and emissions into the air. They also administer registration and use safety testing for chemicals in commerce as well as tracking disposal of waste cradle to grave to sanitary landfills as opposed to open dumps. Permits and authorizations pursuant to these authorities add time and regulatory requirements to business and infrastructure project. A key concern in recent years has been the increasing amount of delays to do extended permitting application reviews and environmental challenges to issued permits. EPA

must find ways to more efficiently permit projects in a manner that can survive legal scrutiny and provide greater certainty to project proponents and citizens.

a. Will you work as Deputy Administrator to modernize EPA's permitting reviews while maintaining adequate environmental protections?

Deliberative Process / Ex. 5

b. Will you work with other agencies to ensure interagency coordination is done in a timely manner?

Deliberative Process / Ex. 5

c. How can the EPA, ensure that it makes timely decisions while limiting environmental impacts from a permitted discharge?

Deliberative Process / Ex. 5

ANCSA Contaminated Lands

71. In 1971, Congress enacted the Alaska Native Claims Settlement Act to settle aboriginal land claims. Earlier this year this Committee held a hearing regarding the legacy of federal contaminated lands and the challenge we face in cleaning them up. One of the witnesses at that hearing testified about the particular challenges in addressing contaminated lands that were conveyed under ANCSA to Alaska native corporations and villages. These are lands the government gave to these Native Alaskans as a settlement that were in fact contaminated before the native corporations and villages took possession. 46 years later, the majority of those contaminated sites have not been remediated and, under current law, Alaska Native entities that received those lands can be liable under for costs associated with cleaning up those lands.

a. Do you recognized that these issues are fundamental problem for the Alaska Native community?

Deliberative Process / Ex. 5

b. Can you commit to work to address and prioritize cleanup of ANCSA contaminated lands within the EPA and coordinating/communicating with other federal agencies including The Army Corps and Department of the Interior?

Deliberative Process / Ex. 5

Senator Whitehouse:

72. You agreed in your ethics agreement that if confirmed you will sign the Trump ethics pledge. The pledge prohibits appointees from "participat[ing] in any particular matter involving specific parties that is directly and substantially related to [their] former employer or former clients" for the first two years after their appointment. The pledge also prohibits you from participating in any particular matter, and more broadly the issue area in which that particular matter falls, on which you lobbied within the two years before your appointment.
    a. Do you commit to abide by the pledge and not seek a waiver to participate in matters that you would otherwise be recused from?

Deliberative Process / Ex. 5

    b. You've worked against EPA during your time at Faegre Baker Daniels LLP. To ensure compliance with the pledge, please provide all of Faegre Baker Daniels LLP clients and cases or work from the past two years, noting all clients with whom you've worked, cases on which you've worked, and regulatory work you've done?

Deliberative Process / Ex. 5

    c. Will you also recuse yourself from matters that your client Bob Murray included on his three-page environmental agenda?

Deliberative Process / Ex. 5

73. Energy Secretary Rick Perry directed FERC to initiate a rulemaking that would effectively subsidize the coal industry in the name of ensuring grip reliability. The proposal has been criticized by environmental groups, natural gas companies, solar and wind companies, former Republican FERC commissioners, the American Petroleum Institute, and even the regional grid operators. And research by the Center for American Progress outline that ratepayers would be on the hook for this bailout.

a. At your confirmation hearing, you acknowledged that you knew about this proposal in your role as a Murray Energy lobbyist. What exactly was your involvement in the development of this proposal?

Deliberative Process / Ex. 5

b. If the proposal comes before EPA in any manner, will you recuse yourself from any role or involvement on it?

Deliberative Process / Ex. 5

c. In your opinion, how would Perry's proposal, if approved by FERC, benefit Murray's coal mining assets?

Deliberative Process / Ex. 5

74. EPA Administrator Pruitt recently told CNBC that "I would not agree that [carbon dioxide is] a primary contributor to the global warming that we see." Do you agree with his statement?

Deliberative Process / Ex. 5

75. Have you reviewed EPA's endangerment finding for carbon dioxide? If not, will you commit to reviewing it before the Committee votes on your nomination?

Deliberative Process / Ex. 5

76. Do you agree with each of the following statements included in the U.S. Global Change Research Program's recent Climate Science Special Report?
    a. "Human-caused climate change has made a substantial contribution to [sea level rise] since 1900, contributing to a rate of rise that is greater than during any preceding century in at least 2,800 years." (page 10)
    b. "The magnitude of climate change beyond the next few decades will depend primarily on the amount of greenhouse gases (especially carbon dioxide) emitted globally." (page 11)
    c. "There is broad consensus that the further and faster the Earth system is pushed towards warming, the greater the risk of unanticipated changes and impacts, some of which are potentially large and irreversible." (page 11)

d. "The world's oceans are currently absorbing more than a quarter of the CO_2 emitted to the atmosphere annually from human activities, making them more acidic (*very high confidence*), with potential detrimental impacts to marine ecosystems." (page 28)
e. "The rate of acidification is unparalleled in at least the past 66 million years." (page 28)
f. "This assessment concludes, based on extensive evidence, that it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century. For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence." (page 10)
g. "Human activities are now the dominant cause of the observed trends in climate." (page 36)
h. "[T]here are no suggested factors, even speculative ones that can explain the timing or magnitude and that would somehow cancel out the role of human factors." (page 37)

Deliberative Process / Ex. 5

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/4/2017 9:18:42 PM
To: Michael Tadeo [TadeoM@api.org]
Subject: RE: Andrew Wheeler Quote

Awesome thanks!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Michael Tadeo [mailto:TadeoM@api.org]
Sent: Wednesday, October 4, 2017 5:17 PM
To: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Andrew Wheeler Quote

Working on it man. As soon as I have it, I will send it over.

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Wednesday, October 04, 2017 4:44 PM
To: Michael Tadeo
Subject: Andrew Wheeler Quote

Thanks Mike for getting a quote from Jack for Andrew, he will be nominated for Deputy Administrator. Below is our draft release for reference and it would be great to have the quote by 5:30pm. Appreciate it!

DRAFT DELIBERATIVE **Widespread Praise for Andrew Wheeler Nomination**

Wheeler Set to Become Deputy EPA Administrator

WASHINGTON (October 4, 2017) Today, President Donald J. Trump announced his intention to nominate Andrew Wheeler as Deputy Administrator for Environmental Protection Agency (EPA).

Mr. Wheeler has spent his entire career working in environmental policy and currently serves as a Principal at FaegreBD Consulting where he works with clients on navigating federal regulatory and legislative issues including the environment and energy. Mr. Wheeler previously worked as Staff Director and Chief Counsel for the U.S. Senate Committee on Environment and Public Works (EPW) from 2002-2009 where he helped formulate and execute the committee's legislative, oversight, policy and public outreach agenda. Prior to joining EPW, Mr. Wheeler served as Staff director and Counsel to the U.S. Senate Subcommittee for Clean Air, Wetlands and Nuclear Safety from 1997-2002 where he helped draft and negotiate legislation involving clean air issues, nuclear energy, FEMA, and a full range of energy and environmental issues.

He also worked as General Counsel for United States Senator James Inhofe form 1995-1996 and as a Special Assistant in the Office of Pollution Prevention and Toxics at EPA from 1991-1995.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/13/2017 9:13:24 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Wehrum & Leopold Final QFR's
Attachments: FINAL Leopold QFRs 10.12.17.pdf; FINAL Wehrum QFRs 10.12.2017.pdf

Attached! Let me know if you need anything further.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Senate Committee on Environment & Public Works
Hearing entitled, *"Hearing on the Nominations of Michael Dourson, Matthew Leopold, David Ross, and William Wehrum to be Assistant Administrators of the Environmental Protection Agency, and Jeffery Baran to be a Member of the Nuclear Regulatory Commission."*
October 4, 2017
Questions for the Record for Mr. Matthew Leopold

Ranking Member Carper:

1. For decades, both Republican and Democratic administrations alike have had written policies limiting White House contacts with agencies that have investigatory and enforcement responsibilities. These policies have recognized that even a simple phone call from the White House to an agency inquiring about or flagging a specific matter can upset the evenhanded application of the law. I recently learned that Devon Energy, a strong political supporter of Administrator Pruitt's, informed the EPA just 5 days after Mr. Pruitt was sworn in as Administrator that it was no longer willing to install air pollution technology or pay a high penalty to EPA for its illegal air emissions of cancer-causing benzene and other chemicals. We also know that Trump family casinos, hotels and golf courses have been the subject of EPA enforcement actions for violations of the Clean Air Act and Clean Water Act.

    a. Do you agree that it is essential that in making decisions, EPA's Office of General Counsel (OGC) must be shielded from political influence and spared even the appearance of being subject to political influence or considerations?

    If confirmed, I commit to work with Administrator Pruitt and his team to ensure strict compliance with all legal and ethical obligations.

    b. Will you commit to restricting communications between OGC and the White House staff regarding specific matters under the authority of OGC?

    If confirmed, I commit to work with Administrator Pruitt and his team to ensure strict compliance with all legal and ethical obligations.

    c. Will you commit to ensuring the staff of OGC is familiar with those restrictions?

    If confirmed, I commit to work with Administrator Pruitt and his team to ensure strict compliance with all legal and ethical obligations.

    d. Will you commit to advising this Committee within one week if any inappropriate communications from White House staff to OGC staff, including you, occur?

If confirmed, I commit to work with Administrator Pruitt and his team to ensure strict compliance with all legal and ethical obligations.

2. Recently, EPA conducted "anti-leaking" training for its employees[1]. According to EPA sources, the briefing stated that "Prohibitions we will discuss do not refer to "Whistleblowing". Agency employees have the right to make lawful disclosures to anyone, including, for example, management officials, the Inspector General, and/or the Office of Special Counsel. Employees may make disclosures to the EPA Office of the Inspector General through the EPA OIG Hotline at 888-546-8740." This presentation evidently failed to note the rights of federal employees have to make disclosures to Congress.
   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 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.

   a. If you are confirmed, will you commit to protect the rights of all career employees in OGC to make lawful disclosures, including their right to speak with Congress?

      If confirmed, I commit to protecting the rights of all EPA employees and will follow the law.

   b. Will you commit to communicate employees' whistleblower rights via email to all OGC employees within a week of being sworn in?

[1] https://www.washingtonpost.com/politics/whitehouse/federal-employees-are-ordered-to-attend-anti-leaking-classes/2017/09/21/032b40d6-9edd-11e7-b2a7-bc70b6f98089_story.html?utm_term=.e2bfc5e54d95

If confirmed, I commit to protecting the rights of all EPA employees and will follow the law.

3. In the wake of Hurricane Irma, at least 11 deaths and numerous injuries have been reported in Florida due to accidental carbon monoxide poisoning from gasoline-powered portable generators.[2] One additional death has also been reported in North Carolina, along with other injuries throughout the Southeastern United States.[3] Many of these deaths and injuries could have been prevented had stronger safety standards been in place for portable gasoline generators. In November 2016, the U.S. Consumer Product Safety Commission (CPSC), following years of work on the issue, voted to issue a Notice of Proposed Rulemaking (NPRM) to implement a mandatory safety standard for portable generators.[4] Since then, Administrator Pruitt and Acting CPSC Chairman Buerkle have separately said that section 213 of the Clean Air Act precludes CPSC action.

   a. Section 213 of the Clean Air Act is intended to regulate emissions from non-road engines or vehicles when the EPA determines that such emissions "are significant contributors to ozone or carbon monoxide concentrations in more than 1 area which has failed to attain the national ambient air quality standards for ozone or carbon monoxide." In your opinion, would the occasional indoor use of portable generators following a power outage be likely to be a significant contributor to ambient carbon monoxide concentrations in more than 1 area that has failed to attain the national ambient air quality standards for carbon monoxide? Why or why not?

   It would be inappropriate for me to prejudge the outcome of a matter that may come before me if confirmed as General Counsel.

   b. There are currently no areas in the United States that have failed to attain the national ambient air quality standards for carbon monoxide, and this has been the case since 2010[5]. As a matter of law, could section 213 of the Clean Air Act be used to regulate carbon monoxide emissions due to the indoor use of portable generators if there are no areas in the United States that fail to attain the national ambient air quality standards for carbon monoxide? Why or why not?

   It would be inappropriate for me to prejudge the outcome of a matter that may come before me if confirmed as General Counsel.

4. You spent more time – 6 years – as an attorney in the Environment and Natural Resources Division of the Department of Justice than in any other position. Based on your experience, to what extent do you believe that the work of the Environment and

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[2] http://www.miamiherald.com/news/weather/hurricane/article174097351.html http://www.sun-sentinel.com/news/weather/hurricane/sfl-carbon-monoxide-deaths-20170914-story.html
[3] http://www.charlotteobserver.com/news/article173612361.html
[4] https://www.federalregister.gov/documents/2016/11/21/2016-26962/safety-standard-for-portable-generators
[5] https://www.epa.gov/green-book/green-book-carbon-monoxide-1971-area-information

Natural Resources Division makes an important contribution to the protection of public health and the environment? Please explain and describe your views of the contributions the work of the Division makes.

The Environment and Natural Resources Division (ENRD) is the nation's environmental law firm handling work arising from approximately 150 federal civil and criminal statutes, including the Clean Air Act, Clean Water Act, CERCLA, and Safe Drinking Water Act. It serves as counsel to EPA, the Department of the Interior, and other federal agencies that have environmental or natural resource issues. ENRD is important to protecting human health and the environment as it enforces the federal pollution-control laws EPA oversees.

5. Earlier this year, the fiscal year 2018 budget proposal[6] submitted to Congress sought to eliminate the $20 million in funding the EPA provides for the Justice Department's Environment and Natural Resources Division. EPA has historically provided about 27 percent of that office's budget. Based on your experience as an attorney in the Environment and Natural Resources Division, please describe the potential impact on the work of the Division of such a reduction in funding. Do you support such a reduction in funding? Please provide your reasoning and any information you have supporting your answer. Since 2005, how much funding has been provided to ENRD by EPA? How much money has DOJ secured through fines, penalties, and commitments to remediate contamination and pollution during this same time period?

   I support the important work done by ENRD. It would be inappropriate for me to prejudge the outcome of a matter that may come before me if confirmed as General Counsel. If confirmed, I would manage OGC's functions, including its reliance on ENRD as outside counsel, within the authority and budget provided by Congress.

6. On February 28, 2017, President Trump directed EPA and the Army Corps to review and possibly rescind or repeal the Clean Water Rule in Executive Order 13776. EPA recently ended the public comment process on the first step of a two-step process to repeal the rule and replace it with a rule that will protect far fewer sources of drinking water. Individuals with first-hand knowledge of the process EPA utilized to prepare its have informed my staff that:

   i) When EPA first submitted the proposed repeal rule to OMB, the draft stated that the agency would undertake a new cost-benefit analysis as part of the second step of its process.
   ii) OMB interpreted EPA's first proposal to mean that the rule's repeal would not avoid any costs to industry or have any economic impact at all. EPA's political staff then directed the career staff to undertake a new economic analysis. In response to this direction, EPA career staff reportedly changed the table included in the 2015 rule to a) reflect 2016 dollars instead of 2014 dollars, b) convert

[6] https://www.documentcloud.org/documents/4061910-EPA-Superfund-reimbursements-to-DOJ-documents.html#document/p7/a378119

"annual costs incurred" under the Clean Water Rule to "annual costs avoided" due to its repeal and c) convert "annual benefits gained" under the Clean Water Rule to "annual benefits forgone" due to its repeal. This new table was sent to OMB on June 8, 2017.

iii) OMB correctly concluded from EPA's June 8 submittal that repealing the rule would cost more in lost benefits than it would save industry in compliance costs. On June 13, 2017, presumably to avoid such an admission on the part of EPA, EPA career staff were verbally directed by political staff to solve this 'problem' by simply deleting the majority of the benefits of the rule from the table and re-submitting it to OMB, which they did[7].

a) If the events above occurred as described to my staff, do you agree that EPA's failure to even attempt to undertake a credible cost-benefit analysis of its proposal to repeal the Clean Water Rule would be vulnerable to assertions that the agency ran afoul of both the Clean Water Act and the Administrative Procedure Act? Why or why not?

I am not able to speculate about what may or may not have occurred in this instance. If confirmed, I would work to ensure that the legal requirements for analyzing the cost-benefit of EPA rules are adhered to.

b) The direction that was reportedly provided to the EPA career staff to make the various revisions to what was submitted to OMB was verbal, not written. If you are confirmed, do you commit to ensure that career staff in OGC will receive appropriately documented, rather than verbal, direction from political officials before they take action? If not, why not?

I support the appropriate use of both written and oral guidance and would endeavor to use each in appropriate circumstances.

8. Do you agree to provide complete, accurate and timely responses to requests for information submitted to you by any Member of the Environment and Public Works Committee? If not, why not?

Yes.

9. Recently, EPA announced that Administrator Pruitt would be publishing brief summaries of his calendars biweekly, after dozens of Freedom of Information Act requests for this information as well as a March request by me and my colleagues that he do so. During the Obama Administration, the Administrator, regional Administrators and all those serving in confirmed roles published their calendars daily[8]. If you are confirmed, will you commit to publishing your calendars daily? If not, why not?

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[7] https://www.epa.gov/sites/production/files/2017-06/documents/economic_analysis_proposed_step1_rule.pdf See Table 1

[8] https://yosemite.epa.gov/opa/admpress.nsf/Calendars?OpenView

If confirmed, I will make my calendar available on a timely basis.

Senator Cardin:

10. The people of Baltimore must be able to rest assured that the facilities covered by Risk Management Plans under CAA §112(r) will have to evaluate implementing safer measures protections, and that first responders will have the information they need to respond to chemical disasters. In your capacity as General Counsel for EPA, while facing a law suit from various state Attorneys General, including Attorney General Frosh of Maryland, how will you counsel Administrator Pruitt on the question of implementing the original January 2017 Environmental Protection Agency Amendments to the Accidental Release Prevention Requirements for Risk Management Programs under the Clean Air Act without further delay?

    CAA §112(r)(3) provides EPA the authority to amend the List of Regulated Substances. Would you counsel Administrator Pruitt to add chlorosulfonic acid to the List of Regulated Substances?

    Risk Management Plans under CAA §112(r) are an important tool provided by Congress for facilities using substances "known to cause or may reasonably be anticipated to cause death, injury, or serious adverse effects to human health or the environment." The plans include information on the potential effects of an accidental release, the steps a facility is taking to prevent such a release, and directions for those that respond if a release occurs. I am unfamiliar with the specific legal issues raised in the litigation referenced. Also, it would be inappropriate for me to prejudge the outcome of a matter that may come before me if confirmed as General Counsel. If confirmed, I would request a briefing by EPA staff on the issues and EPA legal authorities.

11. Attorney General Jeff Sessions issued a memo on June 7, 2017, prohibiting all Department of Justice components and United States Attorney's Offices from entering into any settlement agreement that directs or provides for a settlement payment to non-governmental, third parties that were not directly harmed by the conduct. As you know, this is commonplace practice in cases where the environmental harm is irreparable—like the BP oil spill or the Volkswagen diesel emissions case. Please provide your understanding of the legal basis, if any, for prohibiting payments to third parties that will mitigate environmental harms?

    The Department of Justice has certain legal authority to conduct and settle litigation matters. In litigation matters where the Department of Justice is counsel to EPA, I would respect the legal authority of the Department as appropriate.

Senator Markey:

12. In the past, you stated that the EPA was regulating beyond its authority in terms of the Clean Power Plan, however you also said that it's "settled law EPA can regulate

greenhouse gases." Given this and the intentions of the EPA to repeal the CPP, what suggestions would you make to Administrator Pruitt in terms of the Plan's replacement?

It would be inappropriate for me to prejudge the outcome of a matter that may come before me if confirmed as General Counsel. If confirmed, I would request a briefing by EPA staff on the issues and EPA legal authorities, and I would commit to offer counsel supporting the rule of law in this or any other EPA action.

Senator Sanders:

Climate Change

13. President Trump has suggested in the past that climate change is a hoax. Is the President correct? Is climate change a hoax?

    I believe that climate change is real and human activity contributes to climate change.

14. Do you agree with the vast majority of scientists that climate change is real, it is caused by human activity, and that we must aggressively transition away from fossil fuels and toward energy efficiency and sustainable energy like wind, solar, and geothermal?

    I believe that climate change is real and human activity contributes to climate change.

Science

15. At the EPA, science provides the foundation for Agency policies, actions, and decisions made on behalf of the American people. What should the role of science be in the interpretation and implementation of EPA policies, rules, and regulations?

    High quality science is an essential predicate to many of the decisions that EPA makes. The role of science is critical to EPA's essential mission of protecting human health and the environment.

16. Do you support relying on independent scientists with relevant expertise to evaluate and review the data that the EPA uses when making decisions related to the implementation of environmental regulations?

    I support the roles of scientists in helping EPA in its mission of protecting human health and the environment.

Congressional Relations

17. If confirmed, do you commit to assuring staff in the Office of the General Counsel will respond to all relevant inquiries from all Members of Congress, regardless of party or position?

Yes.

Most Pressing Challenges

18. The EPA's FY18 budget lists the following as priorities: clean water and drinking water, infrastructure, work at Brownfields and Superfund projects, improving and protecting air quality, and ensuring the safety of chemicals. If confirmed, would these also be the most pressing challenges that deserve your and OGC's attention? If confirmed, how will you ensure OGC better addresses these challenges?

    If confirmed, I would manage OGC's functions within the authority and budget provided by Congress. I would request a full briefing by OGC staff on the ongoing work of the office and after understanding the scope of its current commitments set priorities based on legal requirements, the needs of the client program offices, and the priorities of the Administrator.

Primary Environmental Enforcement by the States

19. When giving advice to the EPA's staff, how will you balance the EPA's obligation to enforce the nation's environmental laws and regulations where the state and federal governments share authority?

    If confirmed, I would advise EPA staff that it is essential for the federal government and state governments to work together to provide the environmental protection that our laws demand and that the American people deserve. Many federal environmental statutes are designed with states as a primary implementer. EPA and the states should respect the design of cooperative federalism inherent in the law and leverage the assets of each other to achieve greater outcomes.

Environmental Regulations

20. As you may know, the EPA proposed to repeal the Obama Administration's Clean Power plan regulations to address atmospheric carbon pollution. If you are confirmed, will you commit to ensuring that in whatever replacement the Trump Administration makes to the Clean Power Plan, the EPA continues to fulfill its obligations under *Massachusetts v. EPA*?

    It would be inappropriate for me to prejudge the outcome of a matter that may come before me if confirmed as General Counsel. If confirmed, I would commit to offer counsel supporting the rule of law in this or any other EPA action, including advising the Agency on Supreme Court precedent, such as *Massachusetts v. EPA*.

<u>Senator Whitehouse:</u>

21. Administrator Pruitt has been criticized for spending a disproportionate amount of his time meeting with industry and virtually no time with public-interest groups. If confirmed, will you commit to meet with and listen to all parties in a balanced fashion?

It is important for EPA to be accessible to the public and the regulated community. While the primary role of the General Counsel is to advise EPA policy-makers, if confirmed, I would attempt to meet with entities affected by the Office of General Counsel, while abiding by all legal and ethical limitations.

22. The President's budget proposes to cut EPA's budget by 30%. The Office of General Counsel oversees ethics and FOIA. Based on what I've seen, EPA's Office of General Counsel is struggling to keep its head above water with current resources. For example, I've sent ethics-related inquiries to EPA, including one in May about an appointee with extensive conflicts of interest, that EPA has either not responded to or provided slow and incomplete responses. I've seen one inadequate recusal for former Baker Hostetler attorney Justin Schwab that took six months to fix. In the update recusal statement we learned that one of Mr. Schwab's clients was the State of Oklahoma. As of September 29, 2017, EPA had over 2,100 open FOIA requests and outside groups, including the California Attorney General have filed suit over long-languishing requests.

    a. Do you believe these response times to Congress and the public are acceptable?

    I am not familiar with the specific details of these requests. If confirmed, I would request a briefing by EPA staff on OGC's history in responding to Congressional and FOIA requests.

    b. Do you believe the President's budget, if enacted, would provide enough money for your office to fulfill its ethics requirements and respond to Congress and FOIA requests from the public?

    If confirmed, I will manage OGC's functions within the authorities and budget provided by Congress.

    c. What specific steps will you take as General Counsel to ensure that responses to congressional inquiries and FOIA requests are made in the most expeditious manner possible?

    If confirmed, I would request a full briefing by OGC staff on the ongoing work of the office and after understanding the scope of its current commitments set priorities as appropriate for responses to requests for information. I would work with members of Congress to provide requested information, while respecting legal privileges and the role of the Executive branch.

23. 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. If confirmed, I commit to following EPA's Records Policy and the Federal Records Act.

24. Have you heard anything to suggest that EPA may close or consolidate any Regional Offices?
    a. What is your opinion of such a proposal?

    I am not aware of any such plans.

25. Do you a believe that climate change is real?

    Yes.

26. EPA Administrator Pruitt recently told CNBC that "I would not agree that [carbon dioxide's] a primary contributor to the global warming that we see." Based on the scientific findings from experts such as NOAA and statements on EPA's website, including "Carbon dioxide is the primary greenhouse gas that is contributing to recent climate change," Politifact determined that statement to be false. Do you agree with Administrator Pruitt or scientific experts regarding whether carbon dioxide is the primary greenhouse gas that is contributing to climate change?

    I believe that carbon dioxide contributes to climate change.

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." Do you agree with the EPA's endangerment finding? Why or why not?

    If confirmed, I would commit to advising the Agency on Supreme court precedent, such as *Massachusetts v. EPA* and the Agency's Endangerment Finding on Greenhouse Gases respective to the relative statutory framework established by Congress.

28. Do you believe the U.S. should remain a party to the United Nations Framework Convention on Climate Change?

The United Nations Framework Convention on Climate Change is an international agreement. The US Department of State has primary responsibility for such matters. I defer to the State Department on this issue.

29. Do you believe the U.S. should remain a party to the Paris Agreement?

The Paris Agreement is an international agreement. The US Department of State has primary responsibility for such matters. I defer to the State Department on this issue.

30. Do you support the amendment to the Montreal Protocol to phase down HFCs?

The Montreal Protocol is an international agreement. The US Department of State has primary responsibility for such matters. I defer to the State Department on this issue.

31. If confirmed, do you commit to providing complete and accurate responses to inquiries from EPW members in a timely fashion?

Yes.

Senate Committee on Environment & Public Works
Hearing entitled, *"Hearing on the Nominations of Michael Dourson, Matthew Leopold, David Ross, and William Wehrum to be Assistant Administrators of the Environmental Protection Agency, and Jeffery Baran to be a Member of the Nuclear Regulatory Commission."*
October 4, 2017
Questions for the Record for Mr. William Wehrum

Ranking Member Carper:

1. For decades, both Republican and Democratic administrations alike have had written policies limiting White House contacts with agencies that have investigatory and enforcement responsibilities. These policies have recognized that even a simple phone call from the White House to an agency inquiring about or flagging a specific matter can upset the evenhanded application of the law. I recently learned that Devon Energy, a strong political supporter of Administrator Pruitt's, informed the EPA just 5 days after Mr. Pruitt was sworn in as Administrator that it was no longer willing to install air pollution technology or pay a high penalty to EPA for its illegal air emissions of cancer-causing benzene and other chemicals. We also know that Trump family casinos, hotels and golf courses have been the subject of EPA enforcement actions for violations of the Clean Air Act and Clean Water Act.

    a. Do you agree that it is essential that in making decisions, EPA's OAR must be shielded from political influence and spared even the appearance of being subject to political influence or considerations?

    If confirmed, I commit to work with Administrator Pruitt and his team to ensure strict compliance with all legal and ethical obligations.

    b. Will you commit to restricting communications between OAR and the White House staff regarding specific matters under the authority of OAR?

    If confirmed, I commit to work with Administrator Pruitt and his team to ensure strict compliance with all legal and ethical obligations.

    c. Will you commit to ensuring the staff of OAR is familiar with those restrictions?

    If confirmed, I commit to work with Administrator Pruitt and his team to ensure strict compliance with all legal and ethical obligations.

d. Will you commit to advising this Committee within one week if any inappropriate communications from White House staff to OAR staff, including you, occur?

If confirmed, I commit to work with Administrator Pruitt and his team to ensure strict compliance with all legal and ethical obligations.

2. Recently, EPA conducted "anti-leaking" training for its employees[1]. According to EPA sources, the briefing stated that "Prohibitions we will discuss do not refer to "Whistleblowing". Agency employees have the right to make lawful disclosures to anyone, including, for example, management officials, the Inspector General, and/or the Office of Special Counsel. Employees may make disclosures to the EPA Office of the Inspector General through the EPA OIG Hotline at 888-546-8740." This presentation evidently failed to note the rights of federal employees have to make disclosures to Congress.

   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 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.

   a. If you are confirmed, will you commit to protect the rights of all career employees in OAR to make lawful disclosures, including their right to speak with Congress?

   b. Will you commit to communicate employees' whistleblower rights via email to all OAR employees within a week of being sworn in?

   If confirmed, I will work closely with EPA Office of Administration and

[1] https://www.washingtonpost.com/politics/whitehouse/federal-employees-are-ordered-to-attend-anti-leaking-classes/2017/09/21/032b40d6-9edd-11e7-b2a7-bc70b6f98089_story.html?utm_term=.e2bfc5e54d95

Resources Management to ensure all OAR employees continue to apprised of their rights as federal employees.

3. In the wake of Hurricane Irma, at least 11 deaths and numerous injuries have been reported in Florida due to accidental carbon monoxide poisoning from gasoline-powered portable generators.[2] One additional death has also been reported in North Carolina, along with other injuries throughout the Southeastern United States.[3] Many of these deaths and injuries could have been prevented had stronger safety standards been in place for portable gasoline generators. In November 2016, the U.S. Consumer Product Safety Commission (CPSC), following years of work on the issue, voted to issue a Notice of Proposed Rulemaking (NPRM) to implement a mandatory safety standard for portable generators.[4] Since then, Administrator Pruitt and Acting CPSC Chairman Buerkle have separately opined that section 213 of the Clean Air Act precludes CPSC action.

    a. Section 213 of the Clean Air Act is intended to regulate emissions from non-road engines or vehicles when the EPA determines that such emissions "are significant contributors to ozone or carbon monoxide concentrations in more than 1 area which has failed to attain the national ambient air quality standards for ozone or carbon monoxide." In your opinion, would the occasional indoor use of portable generators following a power outage be likely to be a significant contributor to ambient carbon monoxide concentrations in more than 1 area that has failed to attain the national ambient air quality standards for carbon monoxide? Why or why not?

    b. There are currently no areas in the United States that have failed to attain the national ambient air quality standards for carbon monoxide, and this has been the case since 2010[5]. As a matter of law, could section 213 of the Clean Air Act be used to regulate carbon monoxide emissions due to the indoor use of portable generators if there are no areas in the United States that fail to attain the national ambient air quality standards for carbon monoxide? Why or why not?

    I do not have experience with interpreting or applying CAA § 213 to these circumstances. If confirmed, I will work with Administrator Pruitt as needed to properly implement this section of the Act.

4. Your public financial disclosure material lists, among others, several clients such as the American Petroleum Institute and others that are trade or other associations that consist of individual member companies. For each such association or organization listed on your financial disclosure form, please provide a complete list of the individual companies and other entities that comprise its members.

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[2] http://www.miamiherald.com/news/weather/hurricane/article174097351.html http://www.sun-sentinel.com/news/weather/hurricane/sfl-carbon-monoxide-deaths-20170914-story.html
[3] http://www.charlotteobserver.com/news/article173612361.html
[4] https://www.federalregister.gov/documents/2016/11/21/2016-26962/safety-standard-for-portable-generators
[5] https://www.epa.gov/green-book/green-book-carbon-monoxide-1971-area-information

The trade associations listed in my financial disclosure are my clients and not their individual members. As such, I do not have current member lists for my trade association clients.

5. In addition to employees or representatives of the trade associations or organizations listed as your clients, have you met or otherwise communicated with employees or representatives of the companies that are members of the associations or organizations as part of your work for the client itself? If so, which ones?

   The trade associations listed in my financial disclosure are my clients and not their individual members. I routinely meet with member companies, but do not keep comprehensive records of such contacts.

6. Your ethics agreement states that you "will not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. 2635.502(d)."

   a. Please provide a list of all such particular matters involving specific parties that you will either need to recuse yourself from or seek authorization to participate in. For each such particular matter, please also indicate whether you plan to seek authorization to participate.

   b. If that list does not include particular matters involving the list of individual companies and other entities described in question 4, why not?

   c. 5 C.F.R 2635.502(a) states that

      "where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee in accordance with paragraph (d) of this section."

      Do you agree that your representation of numerous industry clients in litigation to repeal or weaken EPA regulations would cause a reasonable person with knowledge of the relevant facts to question your impartiality if you are confirmed and continue to participate either in the litigation or in an administrative action designed to accomplish the identical outcome – repeal or weakening of an EPA regulation – that the litigation sought to accomplish? Why or why not?

      Attachment A is a list of particular matters involving specific parties to

which I believe my ethics agreement will apply. If confirmed, I will work closely with EPA ethics officials to understand and strictly comply with my ethical obligations.

7. Do you intend to participate in non-public meetings with your former clients or their member companies (as applicable) if you are confirmed, even if the meetings are about the repeal or weakening of the very same EPA regulations you sought, on behalf of those clients, to repeal or weaken through litigation? If so, please explain why this would not cause a reasonable person with knowledge of the relevant facts to question your impartiality in the matter at hand.

   If confirmed, I will work closely with EPA ethics officials to understand and strictly comply with my ethical obligations.

8. Your Ethics Agreement also states that you will either recuse yourself from or seek authorization to participate in "any particular matter involving specific parties in which I know the law firm [Hunton & Williams] is a party or represents a party." Please provide a list of all the EPA-related particular matters involving specific parties in which Hunton & Williams is a party or represents a party, and indicate whether you plan to seek authorization to participate in each such matter.

   I do not have a list of all particular matters involving specific parties in which Hunton & Williams is a party or represents a party. If confirmed, I intend to ascertain Hunton's involvement on a case-by-case basis before becoming involved in any particular matter involving specific parties.

9. On February 28, 2017, President Trump directed EPA and the Army Corps to review and possibly rescind or repeal the Clean Water Rule in Executive Order 13776. EPA recently ended the public comment process on the first step of a two-step process to repeal the rule and replace it with a rule that will protect far fewer sources of drinking water. Individuals with first-hand knowledge of the process EPA utilized to prepare its have informed my staff that:

   a) When EPA first submitted the proposed repeal rule to OMB, the draft stated that the agency would undertake a new cost-benefit analysis as part of the second step of its process.

   b) OMB interpreted EPA's first proposal to mean that the rule's repeal would not avoid any costs to industry or have any economic impact at all. EPA's political staff then directed the career staff to undertake a new economic analysis. In response to this direction from OMB, EPA career staff reportedly changed the table included in the 2015 rule to a) reflect 2016 dollars instead of 2014 dollars, b) convert "annual costs incurred" under the Clean Water Rule to "annual costs avoided" due to its repeal and c) convert "annual benefits gained" under the Clean Water Rule to "annual benefits forgone" due to its repeal. This new table was sent to OMB on June 8, 2017.

c) OMB correctly concluded from EPA's June 8 submittal that repealing the rule would cost more in lost benefits than it would save industry in compliance costs. On June 13, 2017, presumably to avoid such an admission on the part of EPA, EPA career staff were verbally directed by political staff to solve this 'problem' by simply deleting the majority of the benefits of the rule from the table and re-submitting it to OMB, which they did[6].

The direction that was reportedly provided to the EPA career staff to make the various revisions to what was submitted to OMB was verbal, not written. If you are confirmed, do you commit to ensure that career staff in OAR will receive appropriately documented, rather than verbal, direction from political officials before they take action? If not, why not?

If confirmed, I will work closely with EPA ethics officials to understand and strictly comply with my ethical obligations.

10. As Attorney General of Oklahoma, Administrator Pruitt copied and pasted materials sent to him by industry onto his own letterhead and sent them to EPA. Similarly, when you last served in EPA's air office, language drafted by your old law firm found its way into an EPA mercury regulation that you helped write. You also repeatedly prevented EPA employees from verifying the public health benefits of reducing mercury exposure.

    a. If confirmed, do you commit that you will not allow industry to exert an undue influence on any of the regulatory and policy efforts you will be charged with leading? If not, why not?

    b. Do you commit not to censor or exclude the dedicated and knowledgeable career EPA staff? If not, why not?

    If confirmed, I will work closely with EPA ethics officials to understand and strictly comply with my ethical obligations.

11. Do you agree to provide complete, accurate and timely responses to requests for information submitted to you by any Member of the Environment and Public Works Committee? If not, why not?

    Administrator Pruitt has made responsiveness to Congress an important priority. The 2800 pages of EPA responses provided to Members of the Environment and Public Works Committee on display at the nomination hearing is a testament to this commitment. Accordingly, I will continue to be a part of EPA's transparent and responsive culture.

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[6] https://www.epa.gov/sites/production/files/2017-06/documents/economic_analysis_proposed_step1_rule.pdf See Table 1

12. Recently, EPA announced that Administrator Pruitt would be publishing brief summaries of his calendars biweekly, after dozens of Freedom of Information Act requests for this information as well as a March request by me and my colleagues that he do so. During the Obama Administration, the Administrator, regional Administrators and all those serving in confirmed roles published their calendars daily[7]. If you are confirmed, will you commit to publishing your calendars daily? If not, why not?

    If confirmed, I will make my calendar available on a timely basis.

13. In 2006, when you were last nominated to lead the Office of Air and Radiation (OAR), the then-Bush Administration requested for FY 2007 $1.33 billion (adjusting to 2017 dollars) for State and Tribal Assistance Grants, of which $250 million (in 2017 dollars) was for Air and Radiation programs. Earlier this year, the Trump Administration requested for FY 2018 $597 million, of which $168 million was for Air and Radiation programs. This is more than 50% less for the STAG program in general, and almost 1/3 less for Categorical Grants for OAR programs.

    a. Did you support the request for FY 2007, and do you support the request for FY 2018? Why, or why not?

    b. If you support both the requested levels in FY 2007 and FY 2018, why do you believe that a 1/3 cut to the funding levels in FY 2018 from FY 2017 levels is appropriate?

    If confirmed, I will manage OAR's programs within the authorities and budget provided by Congress, including STAG grants.

14. How many legal cases have you filed, or joined others in filing against the EPA, since leaving the agency? 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.

    I believe that I have been involved in five cases against EPA that have been decided: (1) a challenge to EPA's E15 waiver (dismissed on standing); (2) a challenge to EPA's misfueling mitigation rule (dismissed on standing); (3) a challenge to EPA's most recent PM2.5 NAAQS (petition denied); (4) a challenge to the Wise Co., TX nonattainment area designation for the 2008 ozone NAAQS (petition denied); and (5) a challenge to CSAPR (mixed result). I continue to search my files and will update this answer if I find more cases. In addition, Attachment 1 is a table listing all of my pending cases against EPA.

15. You've represented industry in at least thirty-one cases against the EPA since you left the agency. Can you name one Clean Air Act regulation that was promulgated by the Obama Administration – not a voluntary or grant program – that you do support and why? If you support more than one, please name these as well.

[7] https://yosemite.epa.gov/opa/admpress.nsf/Calendars?OpenView

I represent clients in private practice. It is my legal ethical duty to zealously represent their interests.

16. 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 varyby state and region. Would you comment on why it is imperative that we have national standards to reduce carbon pollution? If you do not believe it is imperative, why not?

    If confirmed, my primary responsibility will be to faithfully implement the Clean Air Act, including authorities and restrictions applicable to greenhouse gases.

17. In a *per curiam* opinion, the U.S. Circuit Court of Appeals for the District of Columbia affirmed the Endangerment Finding and the U.S. Supreme Court declined to issue a writ of certiorari on the D.C. Circuit's decision. The Endangerment Finding set in motion EPA's legal obligations to set greenhouse gas emissions standards for mobile and stationary sources, including those established by the Clean Power Plan in August 2015.[8] During an exchange with Senator Gillibrand during Administrator Pruitt's confirmation hearing before the Environment and Public Works Committee, he stated, "I believe that the EPA, because of the Mass v. EPA case and the endangerment finding, has obligations to address the CO2 [carbon dioxide] issue."

    a. Do you agree with Administrator Pruitt's statement?

    b. If the Clean Power Plan is withdrawn, and if confirmed, how will you lead the agency to fulfill its legal obligations to address climate change?

    I agree with Administrator Pruitt. If confirmed, my primary responsibility will be to faithfully implement the Clean Air Act, including authorities and restrictions applicable to greenhouse gases.

18. EPA policy prohibits the use of non-EPA e-mail accounts and instructs employees to: "not use any outside e-mail system to conduct official Agency business. If, during an emergency, you use a non-EPA e-mail system, you are responsible for ensuring that any e-mail records and attachments are saved in your office's recordkeeping system." When last at the EPA, did you ever use personal email to conduct official EPA business? Did you ever use an email alias to conduct official EPA business when you last served at the agency? Do you commit that if confirmed, you will not use an email alias or use personal email addresses to conduct EPA business?

    I do not recall using personal e-mail to conduct official business when last at EPA. I did not use an e-mail alias to conduct official business when last at EPA. If

[8] https://www.epa.gov/climatechange/us-court-appeals-dc-circuit-upholds-epas-action-reduce-greenhouse-gases-under-clean

confirmed, I intend to use my EPA e-mail account to conduct official business.

19. Clean car standards save consumers money at the pump and help reduce oil imports. Automakers are complying with vehicle standards ahead of schedule. If confirmed, will you commit to support, defend and enforce EPA's current programs to address greenhouse gas emissions from vehicles?

    If confirmed, my primary responsibility will be to faithfully implement the Clean Air Act, including authorities and restrictions applicable to greenhouse gases.

20. 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, I will comply with appropriate standards to continue the protection of sensitive or confidential information.

21. In December 2007, President Bush's EPA proposed to declare greenhouse gases as a danger to public welfare through a draft Endangerment Finding, stating,
    "The Administrator proposes to find that the air pollution of elevated levels of greenhouse gas (GHG) concentrations may reasonably be anticipated to endanger public welfare…Carbon dioxide is the most important GHG (greenhouse gas) directly emitted by human activities, and is the most significant driver of climate change." [9]

    a. Do you agree with these statements, if not, why not?

    b. Did you participate in drafting the proposed Bush Endangerment Finding document in any way? If so, how?

       I believe that the climate is changing and that anthropogenic emissions contribute to the change. I did not participate in drafting the proposed Bush Endangerment Finding document.

22. When you last served in the EPA OAR office, did the EPA ever propose to disapprove state mercury emissions control programs that were stronger than the Clean Air Mercury? If so, please provide how many times this happened and what your role was in these actions. Please also provide how this fits in Administrator Pruitt's views of "cooperative federalism."

    I do not recall that EPA proposed to disapprove any state program proposed

[9] https://insideclimatenews.org/sites/default/files/2007_Draft_Proposed_Endangerment_Finding.pdf

pursuant to the Clean Air Mercury Rule.

23. The Rule of Law Defense Fund is an affiliate of the Republican Attorneys General Association. Have you ever contributed any money or time to the Rule of Law Defense Fund?

    No.

24. Have you ever contributed any money or time to two election fundraising groups, Oklahoma Strong PAC and Liberty 2.0 PAC?

    No.

25. How many legal cases have you filed, or joined others in filing, that involved the Renewable Fuel Standard, biofuels or biodiesel since leaving the EPA? Please provide a summary of your argument and the outcome of each case, including those cases in which the court disagreed with your argument.

    I was counsel of record on three cases related to the RFS (principal clients are included in parentheses): (1) a challenge to EPA's E15 waiver (API and the Grocery Manufacturers Association); (2) a challenge to EPA's misfueling mitigation rule (API); and (3) a challenge to Minnesota's B10 mandate (API, the Auto Alliance, the American Fuel and Petrochemical Manufacturers).

26. Have you ever argued in court, or been part of a legal argument, that the Renewable Fuel Standard, as being implemented by the EPA, will lead to an increase in the overall demand for corn, which will lead to an increase in the price of corn? If so, please cite the case and the data used for the argument.

    I am not authorized by my clients to discuss relevant cases.

27. In your 2005 EPW confirmation hearing, you answered a question, with the following, "I was barred for 1 year starting September 29, 2001, from participating in the particular matters listed in Attachment A of the memorandum and from taking official action on any particular matter in which my former clients, listed in Attachment B, were or represented a party to the matter. The ethics memorandum also addressed the general rulemakings on which I had represented various clients…With respect to the ethylene MACT rule and the semiconductor MACT rule, he [Kenneth J. Wernick, EPA's then Alternate Agency Ethics Official] concluded that it would be prudent for me not to handle these matters during my first year at EPA. Subsequent to that time, there was no bar to my participating as an EPA official in these rulemakings... In accordance with the ethics memorandum referenced above, I refrained for 1 year starting September 29, 2001, from participating in the particular matters identified by the memorandum and from taking official action with respect to any particular matter involving the entities listed in the memorandum. I also did not participate in the

ethylene and semiconductor MACT rules in my first year at EPA."[10]

[10] https://www.gpo.gov/fdsys/pkg/CHRG-109shrg42275/pdf/CHRG-109shrg42275.pdf

a. Please provide a full list of the cases you filed, joined others in filing, or participated in some way related to the ethylene and semiconductor MACT rules prior to you joining the EPA in 2001. Please include any other work that you may have done while employed at Latham and Watkins – or any other organization – prior to coming to the EPA in 2001 that was related to the ethylene and semiconductor MACT rules.

b. What led Kenneth J. Wernick, EPA's then Alternate Agency Ethics Official to conclude it wouldn't "be prudent" for you to handle the ethylene MACT rule and the semiconductor MACT rule during your first year at EPA?

c. In 2001, what other issues and rulemakings did you have to recuse yourself for one year to meet the ethical standards set by the EPA?

Prior to and upon joining EPA in 2001, I sought, obtained, and strictly followed advice from EPA's ethics officials as to my ethical obligations related to my prior work in private practice. My prior ethics agreement is a matter of public record.

28. How many legal cases have you filed, or joined others in filing, since leaving the EPA that challenged rules the Obama EPA had to re-write because the courts said the original rules written by the Bush Administration were illegal?

To my knowledge, I have been involved in three cases challenging rules that EPA issued on remand from court decisions on Bush Administration air rules.

29. On July 8, 2003, Jeff Holmstead, then-EPA Assistant Administrator for Air and Radiation provided the following remarks in his written testimony to the House Energy and Air Quality Subcommittee of the Energy and Commerce Committee, "Clear Skies would also reduce mercury emissions from power plants. EPA is required to regulate mercury because EPA determined that mercury emissions from power plants pose an otherwise unaddressed significant risk to health and the environment, and because control options to reduce this risk are available."[11] At the time Mr. Holmstead provided these remarks, you were serving as his chief counselor within the EPA OAR office.

a. Did you agree at the time with Mr. Holmstead's determination, if so why? If not, why not?

b. Did you ever provide legal counsel to Mr. Holmstead, or others within the EPA, that helped provided the legal basis for these remarks?

c. Do you agree with Mr. Holmstead's remarks today?

I believe Mr. Holmstead was referring to Administrator Browner's 1999

[11] https://archive.epa.gov/ocir/hearings/testimony/108_2003_2004/web/pdf/2003_0708_jh.pdf

"appropriate and necessary" determination, which was still in effect at the time. That determination, as amended in the Mercury and Air Toxics Rule, was determined to be illegal by the US Supreme Court.

30. On July 8, 2003, Jeff Holmstead, then-EPA Assistant Administrator for Air and Radiation provided the following remarks in his written testimony to the House Energy and Air Quality Subcommittee of the Energy and Commerce Committee: "Mercury, a potent toxin, can cause permanent damage to the brain and nervous system, particularly in developing fetuses when ingested in sufficient quantities. People are exposed to mercury mainly through eating fish contaminated with methylmercury… EPA estimates that 60% of the mercury falling on the U.S. is coming from current man-made sources. Power generation remains the largest man-made source of mercury emissions in the United States…Mercury that ends up in fish may originate as emissions to the air. Mercury emissions are later converted into methylmercury by bacteria. Methylmercury accumulates through the food chain: fish that eat other fish can accumulate high levels of methylmercury".[12] At the time Mr. Holmstead provided these remarks, you were serving as his chief counselor within the EPA OAR office.

    a. Did you have any involvement in the drafting of these remarks? If so, what was your involvement?

    b. Did you agree at the time with Mr. Holmstead's remarks, if so why? If not, why not?

    c. Do you still agree with Mr. Holmstead's remarks today? If not, why not?

    I do not recall being involved in drafting Mr. Holmstead's remarks. I believe that, for the most part, mercury emissions from power plants are dispersed widely in the global atmosphere. I believe that global mercury emissions inventories have significantly changed since my prior time at EPA. Therefore, I cannot speak to his comments related to domestic and global emissions inventories. I believe his comments about the movement and transformation of mercury in the environment are correct.

31. In the *White Stallion Energy Center v. EPA, February 2012,* industry argued, "the record does not support EPA's findings that mercury, non-mercury HAP metals, and acid gas HAPs [hazardous air pollutants] pose public health hazards."[13] Do you agree with this statement? Did you have any involvement with this case, if so, please explain.

    I believe that comments were submitted to the record in this rulemaking demonstrating significant flaws in EPA's exposure and risk assessment. I was not counsel of record in this case.

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[12] https://archive.epa.gov/ocir/hearings/testimony/108_2003_2004/web/pdf/2003_0708_jh.pdf

[13] https://www.cadc.uscourts.gov/internet/opinions.nsf/284AC47088C07D0985257C88004F0795/%24file/12-1100-1488346.pdf

32. On April 17, 2012, Dr. Jerome Paulson, Chair, Council on Environmental Health, American Academy of Pediatrics, testified before the EPW Committee, stating, "Methyl mercury causes localized death of nerve cells and destruction of other cells in the developing brain of an infant or fetus. It interferes with the movement of brain cells and the eventual organization of the brain…The damage it [methylmercury] causes to an individual's health and development is permanent and irreversible. …There is no evidence demonstrating a "safe" level of mercury exposure, or a blood mercury concentration below which adverse effects on cognition are not seen. Minimizing mercury exposure is essential to optimal child health."[14]

    a. Do you agree with the American Academy of Pediatrics' finding on the importance of minimizing mercury exposures for child health? If not, please cite the scientific studies that support your disagreement.

    b. Do you agree the record supports EPA's findings that mercury, non-mercury hazardous air pollutant metals, and acid gas hazardous air pollutants emitted from uncontrolled power plants pose public health hazards? If not, why not?

    I am not familiar with Dr. Paulson's testimony. I believe that comments were submitted to the record in this rulemaking demonstrating significant flaws in EPA's exposure and risk assessment.

33. On July 8, 2003, Jeff Holmstead, then-EPA Assistant Administrator for Air and Radiation provided the following remarks in his written testimony to the House Energy and Air Quality Subcommittee of the Energy and Commerce Committee, "We have not developed methodologies for quantifying or monetizing all the expected benefits of Clear Skies…These estimates [for Clear Skies] do not include the many additional benefits that cannot currently be monetized but are likely to be significant, such as human health benefits from reduced risk of mercury emissions, and ecological benefits from improvements in the health of our forests, lakes, and coastal waters."[15] At the time Mr. Holmstead provided these remarks, you were serving as his chief counselor within the EPA OAR office.

    a. Did you have any involvement in the drafting of these remarks? If so, what was your involvement?

    b. Did you agree at the time with Mr. Holmstead's remarks, if so why? If not, why not?

    c. Do you agree with Mr. Holmstead's remarks today that it is currently difficult, or impossible, to monetize the reduced risk of human health and ecological benefits from reducing mercury emissions from power plants? If so, please explain. If not, why not?

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[14] https://www.epw.senate.gov/public/_cache/files/4/3/4324fd62-dc89-4820-bd93-ff3714fcbe30/01AFD79733D77F24A71FEF9DAFCCB056.41712hearingwitnesstestimonypaulson.pdf

[15] https://archive.epa.gov/ocir/hearings/testimony/108_2003_2004/web/pdf/2003_0708_jh.pdf

I do not recall being involved in drafting Mr. Holmstead's testimony. I believe that EPA was not able in 2003 to monetize all benefits associated with reducing mercury emissions. I do not know the current state of EPA's knowledge.

34. In 2005 GAO report that reviewed EPA's cost-benefit analysis for the Clean Air Mercury Rule, which you have testified you were heavily involved in writing, GAO identified, "four major shortcomings in the economic analysis underlying EPA's proposed mercury control options that limit its usefulness for informing decision makers about the economic trade-offs of the different policy options."[16]

    a. Can you explain the cost-benefit analysis used for the proposed Clean Air Mercury Rule and why it was used?

    b. Can you explain why the GAO found short-comings with this approach?

    c. Do you agree that co-benefit pollution reductions should be considered when EPA is quantifying the benefits and costs of regulations? If not, why not?

    d. While you were at EPA, did the agency ever use co-benefits to justify a clean air rule and has this approach ever been used in the past?

    I do not recall being involved in preparing the cost-benefit analysis for the Clean Air Mercury Rule. If confirmed, I intend to address the question of how co-benefits should be considered in cost-benefit analyses. I cannot prejudge the outcome because any such analysis would be an integral part of informal legislative rulemaking.

35. You were substantially involved in EPA's proposal and adoption of the Clean Air Mercury Rule and accompanying Delisting Rule. In 2005, for your EPW confirmation hearing you were asked the following question for the record: "With regard to trading of mercury, in your view, would it have been legally acceptable for EPA, taking into account the requirements of the Clean Air Act, to propose and adopt a facility specific mercury MACT that did not allow trading?" You answered, "After considering the utility unit emissions that would remain following imposition of the requirements of the Act, EPA determined that it was neither appropriate nor necessary to regulate utility units under section 112 of the Clean Air Act. Once EPA made that determination, it would not have been legally appropriate for EPA to issue a MACT standard." Three years later, the D.C. Circuit vacated the EPA's decision to delist power plants as a source under Section 112. Six years later under the Obama Administration, the EPA issued the Mercury and Air Toxics Rule to address mercury and air toxic emissions from power plants under the Section 112 of the Clean Air Act.

[16] http://www.gao.gov/products/GAO-05-252

a. Did you disagree with the court's ruling and legal reasoning against the EPA's actions while you were at the agency on mercury and air toxic power plant emissions? Do you continue to disagree today?

b. Do you still hold the position that it is not "appropriate nor necessary" for the EPA to regulate utility units under Section 112 of the Clean Air Act and therefore, still agree it is not legally appropriate for EPA to issue a MACT standard, as the EPA did through the Mercury and Air Toxics Standard? If so, please explain.

c. 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?

I respect the court's decision with regard to the Clean Air Mercury Rule. I also respect the US Supreme Court's determination that the "appropriate and necessary" finding relied upon in the Mercury and Air Toxics Rule was illegal.

36. 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?

The Supreme Court chooses which areas they should consider providing judgement on when issuing decisions and which areas they decline to consider. I cannot infer the intent of the court from their decision not to consider this one specific issue.

37. Do you agree that the EPA's recent consideration of the costs of the Mercury and Air Toxics Rule 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 confirmed, I likely will be involved in assessing this question. I cannot prejudge the outcome.

38. The Edison Electric Institute (EEI), the association that represents all U.S. investor-owned electric companies, has told my staff that, to their knowledge, about five facilities received an approval from the EPA to operate for up to an additional year, which was through April 2017. According to EEI, to their knowledge all of their member companies have fully implemented the Mercury and Air Toxics Standard Rule. EPA staff has reported to my staff something similar. The Mercury and Air Toxics Rule protects our children from harmful mercury and air toxics pollution; and by industry accounts is already being met with technology that is already bought, paid for and running on almost all our power plants.

a. Do dispute reports that nearly all covered facilities are already in compliance with the Mercury and Air Toxics Standard? If so, please explain.

b. According to a recent report by Bloomberg New Energy Finance Report and the Business Council for Sustainable Energy, "consumers now pay 3% less per kilowatt-hour for electricity than in 2007."[17] This means the near universal compliance of the Mercury and Air Toxics Rule has been achieved without significant impacts to electricity reliability or affordability, in fact electricity prices have gone down. Do you agree? If not, why not?

c. Even though industry has achieved near universal compliance with the Mercury and Air Toxics Standards and electricity prices have gone down, not up, Administrator Pruitt is currently reviewing whether it is "appropriate and necessary" to issue the standards in the first place. Do you agree that the EPA should be conducting this review, if so, why?

d. If the EPA determines the agency has not met the "necessary and appropriate" criteria found in Section 112(n), and revokes the Mercury and Air Toxics Rule, what does that mean for all the pollution control technology that has been bought, paid for and running on our power plants helping the industry be in full compliance of the rule?

e. When you were last at the EPA, or after, do you know of any instances when a power plant bought and installed air control technology and decided not to run the technology? If so, please explain the instance. Please include in your explanation if there were any impacts to downwind states or to air pollution levels.

If confirmed, I likely will be involved in assessing the question of how to appropriately respond to the US Supreme Court's remand of the MATS "appropriate and necessary" determination. I cannot prejudge the outcome of that assessment. I will note that MATS imposed substantial costs on electric power generators. The fact that power prices have declined in recent years does not necessarily mean that MATS did not impose substantial incremental costs.

39. In a 2016 Law 360 article, you are quoted as saying, "The reason this [the Mercury and Air Toxics Standards Rule] was such a big issue for us is because by EPA's own analysis, if you look at the benefits generated by the hazardous air pollutant reductions this rule would achieve, the costs vastly outweigh the benefits. So from our perspective, it's a regulation that made no sense and wasn't justified."[18] In April 2017, the EPA asked the D.C. Circuit Court of Appeals to delay oral arguments scheduled the Mercury and Air Toxics Standards (MATS) as it reviews the rule.

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[17] http://www.bcse.org/wp-content/uploads/2017-Sustainable-Energy-in-America-Factbook-Executive-Summary.pdf
[18] https://www.law360.com/articles/742955/environmental-group-of-the-year-hunton-williams

a. It is clear from this statement you already have a formed view of the validity of the Mercury and Air Toxics Standard going into the agency. Will you commit to this Committee that you will recuse yourself from the review and any possible rewriting of the Mercury and Air Toxics Rule? If not, why not?

b. Do you continue to believe the Mercury and Air Toxics Standards is a regulation that made no sense and wasn't justified? If so, why?

The quantifiable monetized benefits of the HAP reductions predicted to occur under MATS measured only a few million dollars. I understand that EPA has recalculated the benefits attributable to MATS in response to the Supreme Court remand. I am not familiar with the new estimates. If confirmed, I intend to consider them objectively.

40. Will you commit, that if confirmed, you will not act to weaken the Mercury and Air Toxics Standards, if not, why not?

I cannot prejudge any decision that might be made by EPA if I am confirmed.

41. This year, you represented the American Petroleum Institute as an intervenor in defense of Administrator Pruitt's 90-day stay of oil and gas pollution standards, which the D.C. Circuit found violated the Clean Air Act. In my office, you refused to recuse yourself from participating in this rule, is that still true and how do you justify that, if confirmed, you will come into the EPA as impartial regulator as it relates to this issue? Do you agree with the court's decision, and why not?

Comprehensive rules of ethics govern the transition from private practice to government service. If confirmed, I will work closely with EPA ethics officials to understand and strictly comply with my ethical obligations.

42. 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.

a. 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?

b. 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?

c. If confirmed, will you commit to not further delay the implantation of the 2015 ozone NAAQS? If not, why not?

d. 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" and if so, will you commit not to include consider costs when setting the National Ambient Air Quality Standards? If you do not agree, why not?

If confirmed, I will endeavor to meet all statutory deadlines. I am not familiar with the record for the 2015 ozone NAAQS decision, so cannot comment on the decision to change the standard. I respect all US Supreme Court decisions.

43. In 2006, while you served as Acting Assistant Administrator for Air, the EPA proposed to eliminate lead as a criteria pollutant under the Section 109 Clean Air Act National Ambient Air Quality Standard (NAAQS) process. Did you have any involvement in this proposal? If so, please explain.

Yes, I was involved in developing that proposal. CAA § 108(a)(1)(B) states that ambient levels of a criteria pollutant should "result[] from numerous or diverse mobile or stationary sources." Information at the time indicated that there were few industrial sources of lead emissions and that lead emissions from mobile sources had been virtually eliminated. The proposal asked for comment on whether lead continued to meet the § 108(a)(1)(B) criterion.

44. Like you, I am an avid runner. In Delaware during the summer, we often have code orange days warning about the high levels of ozone for that day. Much of Delaware's ozone pollution is coming across the state boundary from upwind states.

a. Can you describe how high levels of ozone could damage my lungs if I were to take a long run during a code orange day?

b. Do you agree that ground-level ozone is a dangerous pollutant that causes respiratory and cardiovascular harm? If not, on what basis do you disagree?

c. If confirmed, how would you direct states to work together to reduce ozone pollution?

Inhaling too much ozone can cause a wide range of adverse cardiovascular effects. CAA §§ 110(a)(2)(D) and 126 are designed to address interstate transport (i.e., emissions from upwind states that significantly contribute to downwind nonattainment).

45. Clean Air Act section 110(a)(2)(D)(i)(I), also known as the "Good Neighbor" provision, requires that state implementation plans to address air pollution "contain adequate provisions prohibiting, consistent with the provisions of this subchapter, any source or other type of emissions activity within the State from emitting any air pollutant in amounts

which will contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard." Under this provision of the Clean Air Act, "[w]henever the Administrator finds that the applicable implementation plan for any area is substantially inadequate . . . to mitigate adequately [] interstate pollutant transport . . . or to otherwise comply with any requirement of this chapter, the Administrator shall require the State to revise the plan as necessary to correct such inadequacies."

a. Do you support the "Good Neighbor Provision" in the Clean Air Act and agree that this provision does not "encroach upon state sovereignty"? If not, why?

b. If confirmed, do you commit to fully apply and enforce the Good Neighbor provision?

CAA § 110(a)(2)(D) describes one of many elements that must be included in an approval State Implementation Plan. My hope is that more states address this obligation in the first instance so that US EPA does not need to make findings of substantial inadequacy. If confirmed, my goal is to faithfully implement all aspects of the Clean Air Act.

46. Currently, under the Clean Air Act section 110(a)(2)(D)(i)(I), also known as the "Good Neighbor" provision, Delaware has sent four petitions to the EPA that identify facilities in other states that are emitting air pollution that are significantly contributing to Delaware's air quality and impacting Delaware's ability to maintain or be in attainment for the 2008 national ambient air quality standards (NAAQS) for ozone and the 2015 ozone NAAQS. The petitions are for: 1) Brunner Island facility's electric generating units located near York, Pennsylvania; 2) Homer City Generating Station's electric generating units located in Indiana County, Pennsylvania; 3) Harrison Power Station's electric generating units located near Haywood, Harrison County, West Virginia; and 4) Conemaugh Generating Station's electric generating units located in Indiana County, Pennsylvania. In addition, Maryland has filed a petition that requests EPA make a finding that 36 electric generating units located in the states of Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia are emitting air pollutants that significantly contribute to nonattainment or interfere with maintenance of the 2008 and the 2015 ozone NAAQS in Maryland. The EPA has granted itself six months extension on every petition and has done nothing after that. All of the extensions have long since expired.

a. If confirmed, will you commit to promptly act on Good Neighbor petitions so states, like Delaware and Maryland, can protect their citizens from upwind pollution in neighboring and distant states? If not, why not?

b. If confirmed, will you support, defend and enforce EPA's Good Neighbor provisions to address air pollution that crosses state borders? If not, why not?

c. In some of these situations, like the Harrison Power Station near Haywood in West Virginia, the power plant in question has the needed technology on the

facility to help reduce ozone pollution in downwind Delaware and West Virginia ratepayers are already paying for the technology, but the pollution control isn't running. If confirmed, what will you do to ensure pollution control technology already on facilities runs to ensure downwind states have clean air?

d. If confirmed, will you fully implement the Cross State Air Pollution Rules?

e. If the Mercury and Air Toxics Rule is revoked, do you expect there will be an increase in upwind ozone and particulate pollution and have an impact on downwind states? If so, please explain. If not, why?

I think your question relates to CAA § 126 and not to § 110(a)(2)(D). I am not familiar with the specific petitions described in this question. But, I will note that CSAPR and the CSAPR update rule were intended to address interstate transport under § 110(a)(2)(D), such that there should not be a need or justification for § 126 petitions addressing the same plants, pollutants, and standards. If confirmed, I will endeavor to meet all CAA deadlines and my goal will be to faithfully implement all aspects of the CAA.

47. Just last month, you argued against an Obama Administration Occupational Safety and Health Administration indoor air rule that protects construction workers against silica dust, a type of dust that is linked to cancer and lung disease. During your arguments, you are quoted as saying, "People are designed to deal with dust — people are in dusty environments all the time, and it doesn't kill them," [19]The American Industrial Hygiene Association has stated that delaying the full enforcement of this rule will put – and this is their words, quote "2.3 million workers at greater risk to exposure, especially the construction industry — the backbone of our economy"

a. Please provide the scientific studies that provided the basis for your argument in this case.

b. When you stated "people are designed to deal with dust," what did you mean by that statement?

c. When you were last in the EPA, did you ever work on a rule was deemed later to ignore all of the science dealing with particle matter pollution?

d. Do you agree that there is robust science linking small particle pollution to negative health impacts, even death? If so, why is the science here different than for silica pollution?

The silica case dealt with the unique toxicological properties of silica and not with the pollutant "particular matter" that is regulated by EPA. The quote in this question was taken out of the context of a broader argument related to

[19] https://www.eenews.net/greenwire/stories/1060061731/search?keyword=silica

the question of whether there is an exposure threshold for respirable silica below which significant adverse health effects should not be expected to occur. The silica case remains an active matter and I am not authorized by my clients to say more.

48. Do you agree with President Trump's decision to withdraw the United States from the International Paris Climate Accord? If so, please explain.

President Trump is the Nation's Chief Executive. I believe it was within his authority to withdraw. I respect his decision.

49. In part of his justifications for withdrawing from the Paris Climate Agreement, President Trump stated the Paris Accord could, "cost America as much as 2.7 million lost jobs by 2025 according to the National Economic Research Associates (NERA)."[20] This economic statistic and others linked to the NERA study were also distributed in White House materials as reasons the President was deciding to withdraw from the Paris Accord. Soon after the President's speech, NERA stated, "In a set of talking points distributed by the White House in conjunction with its announcement of the US withdrawal from the Paris Agreement, the Trump Administration selectively used results from a NERA Economic Consulting study, "Impacts of Greenhouse Gas Regulations on the Industrial Sector." ... Use of results from this analysis as estimates of the impact of the Paris Agreement alone mischaracterizes the purpose of NERA's analysis, which was to explore the challenges of achieving reductions from US industrial sectors over a longer term. Selective use of results from a single implementation scenario and a single year compounds the mischaracterization."[21]

    a. In light of the NERA statement, do you think the President misspoke when he wrongly cited information from the NERA study in his Paris speech? If not, why not?

    b. If confirmed, will you commit that you will not distort the NERA study – or any other economic study - to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?

    c. After the President's Paris Climate Accord speech, MIT's Joint Program on the Science and Policy of Global Change issued a statement stating the President's characterization of their analysis of the Paris Accord to be misleading.[22] If confirmed, will you commit that you will not distort the climate science studies to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?

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[20] https://www.whitehouse.gov/the-press-office/2017/06/01/statement-president-trump-paris-climate-accord

[21] http://www.nera.com/news-events/press-releases/2017/nera-economic-consultings-study-of-us-emissions-reduction-polici.html

[22] http://news.mit.edu/2017/mit-issues-statement-research-paris-agreement-0602

I am not familiar with the NERA study, so I cannot assess NERA's comments. If confirmed, my goal would be not to "distort" anybody's statements.

50. In a Law360 interview, you were asked, "What is the most challenging case you have worked on and what made it challenging?" You responded, "Without a doubt, it would be Massachusetts v. EPA. I was at the EPA at the time, working as counsel to the assistant administrator for air, Jeff Holmstead."[23] Please explain in detail, what your involvement was while in the EPA regarding regulations that led to, and the agency's defense of the Massachusetts v. EPA case.

There were no regulations that led to the Mass v EPA decision. The decision under review was EPA's denial of a citizen petition asking EPA to regulate GHG emissions from motor vehicles. OAR was responsible in the first instance for preparing the proposed and final denial. OAR staff – including myself – provided support to the government litigation team while the case was pending in the DC Circuit and the US Supreme Court.

[23] https://www.law360.com/articles/427231/q-a-with-hunton-williams-bill-wehrum

Senator Cardin

51. On December 15, 2016, EPA extended by six months the deadlines to respond to petitions submitted by the state of Maryland under section 126 of the Clean Air Act. The petition from Maryland requests that EPA make a finding that 36 electric generating units located in the states of Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia are emitting air pollutants that significantly contribute to nonattainment or interfere with maintenance of the 2008 and the 2015 ozone NAAQS in Maryland. On September 27, 2017, the State of Maryland filed a complaint in the United States District Court of the District of Maryland against the EPA because of the lack of response in regard to the 2016 Good Neighbor petition.

    Will you commit to urge the EPA to approve the petition and enforce the air pollution controls already in place in Maryland at upwind out-of-state facilities that directly impede efforts to attain and maintain federal health-based air quality standards in Maryland?

    I cannot commit at this time to take any action for which I might be responsible if confirmed to be AA for OAR. I will note that CSAPR and the CSAPR update rule were intended to address interstate transport under § 110(a)(2)(D), such that there should not be a need or justification for § 126 petitions addressing the same plants, pollutants, and standards. If confirmed, and if the issues have not yet been resolved, I will look closely at the intersection of Maryland's § 126 petition with the CSAPR rules.

Senator Duckworth:

52. The Renewable Fuel Standard (RFS) program passed Congress with broad bipartisan support and was signed into law by President George W. Bush because it strengthens our nation's energy independence and security. The RFS supports rural communities and American farmers, while reducing greenhouse gas emissions. In my home State of Illinois alone, the RFS has helped create 4000 jobs and more than $5 billion in economic impact.

    I am concerned Administrator Pruitt, who reassured Congress that he would execute the program as Congress intended, will break his promise and implement the law in such a way as to limit or cap the growth in renewable fuels – directly violating the RFS program's statutory goals to increase American energy independence and security through increased production of biofuels. As the U.S. Environmental Protection Agency (EPA) has repeatedly affirmed, any policy that decreases or limits growth in biofuels is inconsistent with the statutory goals that Congress enshrined in the law.

    Do you believe that Congress intended the RFS to promote long-term growth in all biofuels fuels, including cellulosic ethanol? If confirmed, will you commit that EPA will issue Renewable Volume Obligations that increase production of renewable fuels across the board?

    The RFS clearly was intended to promote the growth of a wide range of biofuels, including cellulosic ethanol. I cannot commit at this time to take any action for which I might be responsible if confirmed to be AA for OAR. If confirmed, my intention is to faithfully implement all aspects of the CAA, including the RFS.

53. During your nomination hearing you stated that you will seek guidance from EPA ethics officials on whether or not you should recuse yourself from issues for which you have previously been engaged in. However, as a regulator and a public servant, you can and should use your own discretion on recusal to avoid even the appearance of conflict of interest.

    If confirmed, will you commit to recusing yourself on any issue related to biofuels or the renewable fuels standard given your past work on behalf of industry interests? What other steps will you take to guarantee that your financial and political interests do not influence your work on the RFS?

    Comprehensive rules of ethics govern the transition from private practice to government service. These rules address both real conflicts and appearances of impropriety. If confirmed, I will work closely with EPA ethics officials to understand and strictly comply with my ethical obligations.

54. Will you submit for the record a full list describing any action you performed in your professional career related to the RFS program and identify the client or clients on whose behalf you were acting for each action?

I was counsel of record on three cases related to the RFS (principal clients are included in parentheses): (1) a challenge to EPA's E15 waiver (API and the Grocery Manufacturers Association); (2) a challenge to EPA's misfueling mitigation rule (API); and (3) a challenge to Minnesota's B10 mandate (API, the Auto Alliance, the American Fuel and Petrochemical Manufacturers). I also was responsible for RFS implementation during my prior tenure at EPA.

55. The Mercury and Air Toxics Rule, or MATS, is an EPA success story about protecting our most vulnerable – our children. After decades of delayed action, EPA implemented the MATS rule to protect our children and our pregnant women from our country's number one source of unregulated mercury and other air toxic pollution: power plants.

    Today, EPA says very few power plants in the country are not meeting the MATS pollution reduction timelines. Dr. Goldman, a world-renowned epidemiologist, pediatrician and Dean of the School of Public Health at George Washington University, testified earlier this year that we are seeing the public health benefits of MATS faster than predicted. Simply put, compliance for industry has been easier than opponents of this rule predicted and children are better protected than doctors expected – a real win-win that would never have occurred had corporate special interests prevailed in killing this critical public health rule.

    Despite these successes, you continue to lead industry lawsuits against the MATS Rule, falsely claiming that EPA has yet to prove it is appropriate and necessary to regulate mercury and air toxic emissions from power plants, a decision made almost two decades ago. You have argued that the price of our children's mental development is worth less than running pollution control technology that is already bought, paid for and running on our power plants.

    How can you assure us you will be impartial – you will choose our children over industry - when it comes to the Mercury and Air Toxics rule? How can you assure the American public that you will do the right thing to protect the children of Illinois and the children of all Americans?

    This question is premised on two factual inaccuracies. First, I do not "lead industry lawsuits against the MATS Rule." I was not counsel of record in the challenges to MATS and am not counsel of record in challenges to EPA's renewed "appropriate and necessary" finding. Second, industry petitioners in the MATS case did not make "false claims" related to the "appropriate and necessary" finding. In fact, the US Supreme Court determined that that finding was unlawful, which supported the petitioners' claims in this regard. Having said that, I have a deep interest in protecting public health and the environment, including children's health.

56. As you know Administrator Pruitt, like Secretary Zinke and former Secretary Price have spent millions of dollars combined flying on private jets across the country. This is a gross waste of taxpayer dollars.

Yes or no, as a taxpayer, do you approve of Administrator Pruitt's travel practices on the public dime, and will you commit to utilizing commercials flights in your position?

I am not familiar with Administrator Pruitt's or Secretary Zinke's travel history, so cannot speak to this aspect of your question. Should I be confirmed, I intend to utilize commercial flights to carry out my official duties.

Senator Ernst:

57. Administrator Pruitt has made engagement with rural America a priority and he has expressed particular concern over how EPA regulations, such as the Waters of the United States (WOTUS) rule, impact these local communities. In cases like WOTUS, the previous EPA did not fully analyze the costs associated with the regulation, particularly for rural communities. At the same time, the benefits of this rule, and others, were often overstated. How will you work to assure transparency when documenting the costs and benefits associated with EPA actions under your office?

    Costs can be considered in setting some, but not all, Clean Air Act rules. But, even when costs cannot be considered, it is important to prepare a comprehensive regulatory impact analysis so that the full costs and benefits of a rule are known. If confirmed, I will work hard to ensure that costs and benefits are accurately assessed and appropriately considered.

58. At multiple times over the course of your career you have represented clients such as API, GMA and others in cases intended to undermine the RFS. The questions you have argued in those cases are relevant to the current RVO rule making for 2018 and 2019, as well as those statutorily required going forward. Additionally, they are relevant to the regulatory decisions related Reid Vapor Pressure waivers, biofuel pathway approval, and topics you will have oversight of, if confirmed. Given this, will you recuse yourself from RFS rulemaking, administering the program or some portions of the program if confirmed, and if you do, who will administer the RFS?

    I was counsel of record in cases challenging EPA's E15 waiver, EPA's misfueling mitigation rule, and Minnesota's B10 mandate. These cases have all been decided and have no direct bearing on RFS implementation going forward. If confirmed, I do not believe it will be necessary or appropriate for me to recuse myself from RFS matters, although I will continue to work with EPA ethics officials to make sure that I fully comply with my obligations, and my intention is to faithfully implement all aspects of the CAA, including the RFS.

59. If you are confirmed, will you commit to have an open door policy for all interest groups, including those representing biofuels, to ensure that their perspectives are taken into consideration by yourself, the Administrator, and the rest of political leadership at EPA?

    If confirmed, I fully intend to have an open door policy on all issues.

60. Do you believe it is fair and appropriate to use only the input of parties regulated by the Clean Air Act when making regulatory decisions?

    No, many parties that are not subject to EPA's rules are affected by the rules and should have the opportunity for input.

Senator Fischer:

61. Mr. Wehrum, during questioning you stated that you did not have an in depth understanding around the Renewable Fuels Standard (RFS). Were you ever counsel for any clients involved in lawsuits around the RFS or ethanol-blended fuels? Can you state what your role was in that case(s) and who you represented?

    I have worked with the RFS in private practice and in my prior tenure at EPA. I was particularly familiar with the first phase RFS rules that implemented the original RFS that was enacted as part of the 2005 energy bill. The first phase rules were put in place while I was at EPA. OAR was primarily responsible for developing them. I am much less familiar with the second phase RFS program, which implemented the RFS amendments enacted as part of the 2007 energy bill. The cases I handled after leaving EPA dealt with very limited aspects of the RFS including challenges to EPA's E15 waiver, EPA's misfueling mitigation rule, and Minnesota's B10 mandate. These cases have all been decided and had essentially nothing to do with the second phase program nor do they have any direct bearing on RFS implementation going forward. Also, there are a number of recent court decisions more pertinent to EPA's most recent RFS-related actions that I am not familiar including recent case law on EPA's RFS waiver authority that I have not analyzed. I also do not know EPA's view of the recent cases and, more broadly, its current view of its waiver authority.

62. As a follow-up, were you serving in the position you are currently nominated to serve in again during the George W. Bush Administration while the RFS1 was implemented?

    As explained in my response to your first question, the RFS1 rules were developed and implemented during my prior tenure at EPA. I was involved in that effort.

63. Do you plan to recuse yourself from any items on the RFS or ethanol-blended fuels that you litigated on while in private practice?

    I was counsel of record in cases challenging EPA's E15 waiver, EPA's misfueling mitigation rule, and Minnesota's B10 mandate. These cases have all been decided and have no direct bearing on RFS implementation going forward. If confirmed, I do not believe it will be necessary or appropriate for me to recuse myself from RFS matters, although I will continue to work with EPA ethics officials to make sure that I fully comply with my obligations, and my intention is to faithfully implement all aspects of the CAA, including the RFS.

Senator Markey:

Mr. Wehrum, because of the Landmark 2007 Supreme Court ruling in Massachusetts v. EPA the EPA made a finding that carbon pollution poses a danger to America, known as the endangerment finding. This ruling made it possible for states like California and Massachusetts to use their Clean Air Act Authority to set higher fuel economy emissions standards for vehicles. State action combined with my 2007 fuel economy law, resulted in an auto industry approved increase of the fuel economy emissions standards to 54.5 miles per gallon by 2025. Those standards will save nearly 2.5 million barrels of oil a day by 2030, are the single largest step any nation has taken to reduce global warming pollution and will save consumers more than $1 trillion. And the auto industry has added 700,000 new jobs since these standards began to take effect.

Administrator Pruitt in his confirmation hearing before this Committee stated that the Endangerment Finding "needs to be enforced and respected." Administrator Pruitt also said earlier this year that "the Clean Air Act focused on mobile sources over the last several years I think has made a substantial difference with respect to GHG and CO2."

64. Mr. Wehrum, yes or no, do you agree with Administrator Pruitt that the endangerment finding needs to be enforced and respected?

    I have not discussed the endangerment finding with Administrator Pruitt, so I do not know his current views on the topic.

65. Mr. Wehrum, yes or no, do you support EPA's continued regulation of greenhouse gases from cars under the Clean Air Act?

    I believe that primary responsibility for regulating fuel economy belongs to the Department of Transportation. I believe that it is important for EPA to harmonize its actions with those of DOT.

Senator Merkley:

66. If you are confirmed as the Assistant Administrator of EPA's Office of Air and Radiation, you will be responsible for implementing the Clean Air Act, which, according to the Supreme Court in *Massachusetts vs EPA,* EPA has the authority to regulate greenhouse gases. Therefore, your understanding of the most basic principles of climate change science will be essential to your role in the regulation of greenhouse gases. In the Intergovernmental Panel on Climate Change's 5th Assessment Report, entitled, "Climate Change 2014 Synthesis Report Summary for Policymakers" (found here: http://www.ipcc.ch/pdf/assessment-report/ar5/syr/AR5_SYR_FINAL_SPM.pdf) the finding under "SPM1" that is labeled "{1}" (note that the labels {x} immediately follow the findings they refer to), states "Human influence on the climate system is clear, and recent anthropogenic emissions of greenhouse gases are the highest in history. Recent climate changes have had widespread impacts on human and natural systems. {1}". Do you agree with that finding?
    a. If you do not agree with this finding, please explain why, and provide at least one peer reviewed study supporting your stated position.

    I believe that the climate is changing and that manmade emissions are contributing to the change. I believe that amount attributable to manmade emission is not currently known with certainty. The IPCC quote is not inconsistent with these views.

67. In that same report, the finding under "SPM 1.1" labeled "{1.1} states "Warming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia. The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, and sea level has risen. {1.1}." Do you agree with that finding?

    a. If you do not agree, please explain why, and provide at least one peer reviewed study supporting your stated position.

    I believe that the climate is changing, as is suggested by the quote.

68. In that same report, the finding under "SPM 1.2" labeled "{1.2, 1.3.1}" states "Anthropogenic greenhouse gas emissions have increased since the pre-industrial era, driven largely by economic and population growth, and are now higher than ever. This has led to atmospheric concentrations of carbon dioxide, methane and nitrous oxide that are unprecedented in at least the last 800,000 years. Their effects, together with those of other anthropogenic drivers, have been detected throughout the climate system and are *extremely likely* to have been the dominant cause of the observed warming since the mid-20th century." Do you agree with this finding?

a. If you do not agree with this finding, please explain why, and provide at least one peer reviewed study supporting your stated position.

I believe that the climate is changing and that manmade emissions are contributing to the change. I do not know what is meant by "other anthropogenic drivers." If confirmed and as necessary, I can delve into this question.

69. In that same report, the finding under "SPM 2" labeled "{2}" states "Continued emission of greenhouse gases will cause further warming and long-lasting changes in all components of the climate system, increasing the likelihood of severe, pervasive and irreversible impacts for people and ecosystems. Limiting climate change would require substantial and sustained reductions in greenhouse gas emissions which, together with adaptation, can limit climate change risks. {2}". Do you agree with this finding?

    a. If you do not agree with this finding, please explain why, and provide at least one peer reviewed study supporting your stated position.

    It is my understanding that domestic reductions in greenhouse gas emissions, such as those accomplished by EPA's current regulatory programs, are projected to have little effect on predicted climate change.

70. In that same report, the finding under "SPM 3" labeled "{3.2, 3.3, 3.4}" states "Adaptation and mitigation are complementary strategies for reducing and managing the risks of climate change. Substantial emissions reductions over the next few decades can reduce climate risks in the 21st century and beyond, increase prospects for effective adaptation, reduce the costs and challenges of mitigation in the longer term and contribute to climate-resilient pathways for sustainable development. {3.2, 3.3., 3.4}". Do you agree with this finding?

    a. If you do not agree with this finding, please explain why, and provide at least one peer reviewed study supporting your stated position.

    It is my understanding that domestic reductions in greenhouse gas emissions, such as those accomplished by EPA's current regulatory programs, are projected to have little effect on predicted climate change.

71. In that same report, the finding under "SPM 3.2" labeled "{3.2, 3.4} states "Without additional mitigation efforts beyond those in place today, and even with adaptation, warming by the end of the 21st century will lead to high to very high risk of severe,

widespread and irreversible impacts globally (high confidence). Mitigation involves some level of co-benefits and of risks due to adverse side effects, but these risks do not involve the same possibility of severe, widespread and irreversible impacts as risks from climate change, increasing the benefits from near-term mitigation efforts. {3.2, 3.4}". Do you agree with this finding?

a. If you do not agree with this finding, please provide at least one peer reviewed study supporting your stated position.

The Trump Administration has announced its intent to reconsider the so-called "social cost of carbon," which is an estimate of the benefit associated with each ton of GHG emissions reduced. That work is directly related to the topic of this question. If confirmed, I likely will be involved in this effort. It is inappropriate for me to prejudge the outcome of this effort.

72. In that same report, the finding under "SPM 4" labeled "{4} states "Many adaptation and mitigation options can help address climate change, but no single option is sufficient by itself. Effective implementation depends on policies and cooperation at all scales and can be enhanced through integrated responses that link adaptation and mitigation with other societal objectives. {4}". Do you agree with this finding?

a. If you do not agree with this finding, please explain why, and provide at least one peer reviewed study supporting your stated position.

To the degree manmade GHG emissions are contributing to climate change, I believe that emissions worldwide are contributing.

73. What are the annual emissions of greenhouse gases from power plants in the United States?

a. Are power plants one of the largest sources of greenhouse gas emissions?

I do not know the current level of GHG emissions from domestic power plants. Yes, they collectively are one of the largest domestic sources of manmade GHG emissions.

74. Mr. Wehrum, in your testimony, you said that human's contribution to climate change is "an open question". Please name which of these major scientific organizations have stated that human activity is the major driver of climate change.

The American Association for the Advancement of Science (AAAS)
American Chemical Society

American Geophysical Union;
American Institute of Biological Sciences;
American Meteorological Society;
American Public Health Association;
American Society of Agronomy;
American Society of Ichthyologists and Herpetologists;
American Society of Naturalists;
American Society of Plant Biologists;
American Statistical Association;
Association for the Sciences of Limnology and Oceanography;
Association for Tropical Biology and Conservation;
Association of Ecosystem Research Centers;
BioQUEST Curriculum Consortium;
Botanical Society of America;
Consortium for Ocean Leadership;
Crop Science Society of America;
Ecological Society of America;
Entomological Society of America;
Geological Society of America;
National Association of Marine Laboratories;
Natural Science Collections Alliance;
Organization of Biological Field Stations;
Society for Industrial and Applied Mathematics;
Society for Mathematical Biology;
Society for the Study of Amphibians and Reptiles;
Society of Nematologists;
Society of Systematic Biologists;
Soil Science Society of America;
University Corporation for Atmospheric Research.

My statement was not based on the views of these groups.

75. Mr. Wehrum, in your testimony, you declined to comment on the graphs I presented depicting the natural forces on observed temperature, and of greenhouse gases on observed temperature, saying you would need to see the underlying data. This website provides a clear presentation of the data, https://www.bloomberg.com/graphics/2015-whats-warming-the-world/, as well as an explanation of the methodology for these charts, including links to the models and data. Now that you have the time to review the methodology and data, can you please provide your own interpretation of these data sets?

    a. Do you agree with NASA's finding that human activity is the primary driver of climate change as shown by these data sets?

b. If you do not agree with NASA's finding from these data sets that human activity is the primary driver of climate change, please explain, in detail, your critiques of these data sets, and please cite at least one peer reviewed study that informs your critique.

Given the short schedule provided for responding to these questions, and given the substantial number of complex questions, I have not had time to further investigate your graphs or the data used to prepare the graphs.

76. You responded to my question about ocean acidification with the response that you are familiar with the "allegation of ocean acidification." The definition of allegation, according to Merriam-Webster, is "1. The act of alleging something", where "alleging" means "to assert without proof or before proving", and "2. A positive assertion especially of misconduct", and "3. An assertion unsupported and by implication regarded as unsupportable". Given that NOAA has directly measured changes in the pH of the oceans, showing that ocean water has become more acidic over time, do you believe that "ocean acidification" is an assertion "without proof"?

a. If you believe ocean acidification is an allegation, do you doubt scientists' ability to measure the pH of water?

b. If you do not believe that "ocean acidification" is an assertion "without proof", then will you retract your use of the word "allegation" to describe ocean acidification?

c. Scientists from both NOAA and the EPA have published information and data sets on ocean acidification, found here: https://www.epa.gov/ocean-acidification and here: https://pmel.noaa.gov/co2/story/A+primer+on+pH Can you please describe both NOAA and EPA's conclusion on the causes of ocean acidification?

d. In your testimony, you said you would defer to EPA scientists and career staff on matters of science. Will you defer to EPA career staff on the science of climate change and ocean acidification?

e. Please describe your current understanding of ocean acidification in detail, and provide at least one peer reviewed study supporting your stated position.

Given the short schedule provided for responding to these questions, and given the substantial number of complex questions, I have not had time to

review the sources to which you refer in this question. I have high regard for EPA career staff and executives. If confirmed, I will consider their views and advice very carefully on all matters, including climate change and ocean acidification.

77. In a recent public disclosure of Administrator Pruitt's calendar of meetings, less than 3% of his meetings were with public health and environmental advocacy organizations, whereas over 25% of his meetings were with industry representatives. Do you believe this reflects fair and balanced input from public health and environmental advocacy organizations?

I am not familiar with Administrator Pruitt's schedule, so I cannot comment on it.

78. Will you commit to a fair and balanced ratio of input from public health and environmental advocacy organizations?

Many parties that are not subject to EPA's rules are affected by the rules and should have the opportunity for input. I fully intend to have an open door policy on all issues.

Senator Sanders:

Climate Change

79. President Trump has suggested in the past that climate change is a hoax. Is the President correct? Is climate change a hoax?

    I believe that climate change is real and human activity contributes to climate change.

80. Do you agree with the vast majority of scientists that climate change is real, is caused by human activity, and that we must aggressively transition away from fossil fuels and toward energy efficiency and sustainable energy like wind, solar, and geothermal?

    I believe that climate change is real and human activity contributes to climate change.

81. Do you agree with the vast majority of scientists that the combustion of fossil fuels contributes to climate change?

    Yes, the combustion of fossil fuels results in GHG emissions, which contribute to climate change.

82. If confirmed, what will you do to ensure that OAR addresses climate change?

    If confirmed, I will faithfully implement the Clean Air Act, including authorities related to GHGs and climate change.

Background

83. As a lobbyist with Hunton and Williams, you have represented a host of fossil fuel and chemical companies in lawsuits, some of which are still active, against the EPA. If confirmed, you would be in charge of making sure that these industries install necessary pollution control technologies and conduct waste cleanup.

    As Assistant Administrator for the Office of Air and Radiation, would you have any active conflicts of interests with these companies? If so, will you commit to recuse yourself for the full course of any matter in which any of your former clients is a party? If not, why not?

    Comprehensive rules of ethics govern the transition from private practice to government service. If confirmed, I will work closely with EPA ethics officials to understand and strictly comply with my ethical obligations.

84. While serving as Assistant Administrator for the Office of Air and Radiation under President Bush, you attempted to roll back environmental protections under the Clean Air Act. These rollback attempts were eventually defeated in the Supreme Court. If confirmed, will you commit to carrying out the Office of Air and Radiation's obligations under the

law, including as decided by the Supreme Court?

If confirmed, I will faithfully implement the Clean Air Act, including as construed by the US Supreme Court.

85. In your past career, you have brought suit against the EPA for its enforcement of the Clean Air Act. 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 whose mission it is to protect human and environmental health?

    Separation of powers is a core principle embedded in the US Constitution. As applied here, US EPA has been authorized by Congress to implement the national environmental laws. The role of the courts is to determine if EPA has fulfilled its legal obligations.

Science

86. At the EPA, science provides the foundation for Agency policies, actions, and decisions made on behalf of the American people. What should the role of science be in the development of EPA policies, rules, and regulations?

    As you say, science provides the foundation for many agency policies, actions, and decisions. EPA's role is to apply science and other relevant information in implementing the law.

Most Pressing Challenges

87. In your opinion, what are the most pressing air quality challenges that deserve the attention of the EPA? What will you do at the EPA to better address these challenges?

    Full implementation of the CAA § 112 air toxics program is one of the most pressing and difficult challenges facing OAR. If confirmed, this would be a priority for me and my staff.

Environmental Regulations

88. If confirmed, do you commit to upholding the goal of the Clean Air Act, which according to the EPA website is "to address the public health and welfare risks posed by certain widespread air pollutants"?

    Yes.

89. The EPA has adopted many cost-effective safeguards in the past eight years that would significantly reduce the pollution that contributes to asthma in children. If confirmed, will you commit to addressing threats from air pollution to America's children?

Yes, protecting the public health requires consideration of susceptible subpopulations, such as children.

Environmental Justice

90. If confirmed, will you commit to addressing the growing environmental and economic justice issues associated with air quality?

    If confirmed, I commit to working with you to promote public health and equal application of the law for all Americans.

91. If confirmed, will you commit to addressing issues of environmental justice in Native American communities and offer a voice to those most affected by the environmental consequences of industrialization, especially in regard to resources protected by treaties?

    If confirmed, I commit to working with you to promote public health and equal application of the law for all Americans, including Native Americans.

92. Latino children are twice as likely as non-Latino white children to die from asthma while, from 2012-2014, African American children had a death rate ten times that of non-Latino white children. African American children are three times as likely to suffer an asthma attack.

    As Assistant Secretary of Air, will you commit to ensuring that vulnerable low-income communities and communities of color are protected from the harmful impacts of air pollution?

    If confirmed, I commit to working with you to promote public health and equal application of the law for all Americans, including low-income communities and communities of color.

Senator Whitehouse:

93. You have been leading the fight against EPA air standards so it's unclear to me how you're capable of serving in this position consistent with the requirements of Executive Order 13770, "Ethics Commitments by Executive Branch Employees," otherwise known as the Trump ethics pledge. The pledge prohibits appointees from "participat[ing] in any particular matter involving specific parties that is directly and substantially related to [their] former employer or former clients" for the first two years after their appointment. Your ethics agreement states you intend to sign the pledge. We are aware of dozens of separate air cases you've worked on for clients regulated by EPA during your time at Hunton & Williams. Further, your law firm has performed millions of dollars worth of lobbying for Exxon Mobil, Koch Companies, Southern Company, and several other companies regulated by EPA.

    a) To ensure compliance with the pledge, please provide for the record all of Hunton & Williams clients, cases, regulatory matters, and issues/legislation on which its lobbied from the past two years, noting all clients with whom you've worked, cases on which you've worked, regulatory work you've done, and any issues/legislation on which you've lobbied.

    b) Your financial disclosure or 278 form does not require disclosure of pro bono work. For the past two years, please provide a list of all Hunton & Williams pro bono work, including the clients, cases, regulatory matters, and lobbying, noting all pro bono clients with whom you've worked, pro bono cases on which you've worked, pro bono regulatory work you've done, and pro bono lobbying you've preformed.

    I do not have a list of all particular matters involving specific parties in which Hunton & Williams is a party or represents a party. If confirmed, I intend to ascertain Hunton's involvement on a case-by-case basis before becoming involved in any particular matter involving specific parties. With regard to pro bono, for the past two years I have done work on state "freedom of information act" laws for a non-profit charitable organization. Please see attachment 1.

94. Your ethics statement suggests to me that you will be seeking waivers to ethics requirements. You may be allowed to seek a waiver, which I find troubling given your extensive history attacking clean air regulations on behalf of companies regulated by EPA.

    a. Please identify all particular matters which you believe at this time may require you to seek a waiver.

    b. For each of these matters, please state why it would be in the public interest to grant you a waiver.

    c. For any matters that you have not identified in response to this question, will you commit to not seeking a waiver from ethics requirements?

I do not have current plans to seek waivers.

95. Through documents produced from Oklahoma Open Records Act requests, we also know that Hunton & Williams staff worked with industry in key states to get other state Attorneys General on a comment letter Pruitt was leading to EPA opposing the carbon pollution standards for new power plants. Hunton & Williams staff also worked with Pruitt's staff to discuss who to approach about signing on, and coached them on how and when to submit the comments. Which client or clients did Hunton and Williams bill for this work?

    The client(s) has not authorized me to disclose this information.

96. According to a separate set of documents, some of which are marked "confidential", Hunton & Williams arranged a Summit on Federalism and the Future of Fossil Fuels convened by then-Oklahoma Attorney General Pruitt, sponsored by the George Mason School of Law's Law & Economics Center. Which client or clients did Hunton and Williams bill for this work?

    The client(s) has not authorized me to disclose this information.

97. Hunton & Williams, directly contributed to Scott Pruitt's campaign in 2010 and contributed over $200,000 to RAGA and RAGA's predecessor organization, the Republican State Leadership Committee during Scott Pruitt's time as board chair and on the executive committee.

    a. Between November 1, 2011 and February 17, 2017, how much have you or Hunton & Williams contributed to the Rule of Law Defense Fund (RLDF)?

    b. While Scott Pruitt was Attorney General of Oklahoma, what, if any, fundraising events for Scott Pruitt did you attend?

    c. While Attorney General of Oklahoma, did Scott Pruitt ever solicit money from you or Hunton & Williams for his campaign, his Oklahoma Strong or Liberty 2.0 PACs, RAGA, or the RLDF?

    d. If yes, please describe each solicitation and how much you and Hunton & Williams contributed as a result of each solicitation.

    e. Please provide a list of all RAGA or RLDF contributions, calls, meetings, events, or activities of yours or Hunton & Williams since November 1, 2011 and February 17, 2017.

    I have not contributed to or been involved with RLDF, Administrator Pruitt's campaigns or PACs, or to RAGA. Hunton & Williams' political contributions are a matter of public record.

98. Please describe any role you or Hunton & Williams played in the establishment of or financial contributions to America Rising, America Rising Squared, Protecting America Now, and any other organizations that funded efforts to get Scott Pruitt confirmed as EPA Administrator.

I played no role in any of these efforts or organizations. I am not aware that anyone from Hunton was involved.

99. EPA Administrator Pruitt recently told CNBC that "I would not agree that [carbon dioxide's] a primary contributor to the global warming that we see." Based on the scientific findings from experts such as NOAA and statements on EPA's website, including "Carbon dioxide is the primary greenhouse gas that is contributing to recent climate change," Politifact determined that statement to be false. Do you agree with Administrator Pruitt or scientific experts regarding whether carbon dioxide is the primary greenhouse gas that is contributing to climate change?

I believe the degree to which manmade GHG emissions are contributing to climate change has not been conclusively determined.

100. 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."

    a. Do you agree with the EPA's endangerment finding? Why or why not?

    b. Do you commit to not take any steps to narrow the scope or otherwise weaken the endangerment finding?

    I have not read the endangerment finding or the record prepared in support of the finding. Therefore, I currently do not have a view. Otherwise, I cannot prejudge any decision that might be made by EPA if I am confirmed.

101. Four Republican former EPA Administrators – Bill Reilly, Bill Ruckelshaus, Lee Thomas, Governor Christine Todd Whitman – testified before EPW that climate change is real and EPA has clear authority under the Clean Air Act to curb carbon dioxide?

    a. Do you agree that climate change is real?

    b. Do you agree that EPA has authority under the Clean Air Act to reduce carbon dioxide?

I agree that climate change is real and that EPA has limited authority under the CAA to regulate carbon dioxide emissions.

102. Industry frequently talks about compliance costs while ignoring the costs to people harmed by the effects of pollution. In Rhode Island these effects cannot be ignored as we see them through bad air days and other problems. 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.

    a. With respect to ozone, do you believe EPA should look at only the costs to industry when undertaking its regulatory impact analysis?

    b. Should the costs to families, such as children sent to emergency rooms due to asthma attacks triggered by smog, be included in the analysis?

    c. If so, should those costs be given a different weight than those claimed by industry?

    Costs can be considered in setting some, but not all, Clean Air Act rules. But, even when costs cannot be considered, it is important to prepare a comprehensive regulatory impact analysis so that the full costs and benefits of a rule are known. If confirmed, I will work hard to ensure that costs and benefits are accurately assessed and appropriately considered.

103. 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 because of out of state pollution.

    a. What, if any steps, have you taken in your career to help reduce the transport of pollution from upwind states into downwind states like Rhode Island?

    b. If confirmed, 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 downwind states?

    The "Clean Air Interstate Rule" was issued during my prior tenure at EPA. It was designed to address "interstate transport" (including into the State of Rhode Island) under the authority of CAA § 110(a)(2)(D). If confirmed, I intend to faithfully implement the Clean Air Act, including the interstate transport provisions.

104. 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.

Facilities with Increasing NOx

Facility	NOx Emission Increase	NOx Rate Increase
Harrison Power Station, West Virginia	13,139 tons (277%)	0.22 lb/mmBtu (220%)
Keystone, Pennsylvania	10,594 tons (285%)	0.22 lb/mmBtu (296%)
Pleasants Power Station, West Virginia	8,734 tons (341%)	0.24 lb/mmBtu (284%)
Homer City, Pennsylvania	7,522 tons (72%)	0.20 lb/mmBtu (107%)
Montour, Pennsylvania	5,889 tons (109%)	0.24 lb/mmBtu (207%)
St. Johns River Power, Florida	4,262 tons (60%)	0.23 lb/mmBtu (142%)

a. Why would this be the case?

b. Do you think these facilities should be required to keep on their NOx controls on?

I am not familiar with these particular power plants and do not know why they emit at the levels you report.

105. 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.

a. What do you believe is a health-protective standard for ozone?

b. Do you agree that one of the goals of the Clean Air Act is to set NAAQS standards to address the public health and welfare risks of NAAQS pollutants?

c. When considering setting NAAQS limits, should cost be considered?

I am not familiar with the current science on the health effects of ozone, so I cannot comment on your question as to the appropriate level of the standard. The US Supreme Court has ruled that cost may not be considered in determining the level of a NAAQS and that a primary standard should be set at the level "requisite" to protect public health with an adequate margin of safety. I respect the court's decision.

106. 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.

a. Do you agree that regulations under the Clean Air Act since 1970 have helped grow the economy?

b. If not, can you provide your analysis, materials used, and people you solicited to come to this conclusion?

I am not familiar with the EPA analysis that produced these estimates. I believe that some, but not all, CAA-based regulations produce net benefits to the country.

107. How will you separate your history representing polluters in challenging environmental protections to defending EPA's mission of protecting public health and the environment?

Comprehensive rules of ethics govern the transition from private practice to government service. If confirmed, I will work closely with EPA ethics officials to understand and strictly comply with my ethical obligations.

108. Have you heard anything to suggest that EPA may close or consolidate any Regional Offices? What is your opinion of such a proposal?

I do not know whether this is being considered and do not have an opinion.

109. During previous administrations, senior EPA managers' schedules have been available to the public and Administrator Pruitt recently started releasing his. If confirmed, do you agree to make your schedule available as well?

If confirmed, I will make my calendar available on a timely basis.

110. I found it extremely troubling that when asked about ocean acidification during your confirmation hearing, that you, a chemical engineer, said you were "aware of the allegation." The definition of "allegation" is "a claim or assertion… typically one made without proof." According to the following experts, ocean acidification is real and occurring:

National Academies of Sciences, Engineering and Medicine 2013 Review of the Federal Ocean Acidification Research and Monitoring Plan:
"The world's ocean has already experienced a 30% rise in acidity since the industrial revolution, with acidity expected to rise 100 to 150% over preindustrial levels by the end of this century. Potential consequences to marine life and also to economic activities that depend on a healthy marine ecosystem are difficult to assess and predict, but potentially devastating."

EPA 2016 Report on Climate Change Indicators in the U.S.:
"As the concentration of carbon dioxide in the atmosphere increases, the ocean absorbs more of it. Over the past 250 years, oceans have absorbed about 28% of the carbon dioxide produced by human activities that burn fossil fuels. Rising levels of carbon dioxide dissolved in the ocean negatively affect some marine life, because carbon dioxide reacts with sea water to produce carbonic acid. The increase in acidity changes the balance of minerals in the water and makes it more difficult for corals and plankton to produce the mineral calcium carbonate, which is the primary component of their hard skeletons and shells. Resulting declines in coral and plankton populations can change marine ecosystems and ultimately affect fish populations and the people who depend on them. Signs of damage are already starting to appear in certain areas.

Measurements made over the last few decades have demonstrated that ocean carbon dioxide levels have risen in response to increased carbon dioxide in the atmosphere, leading to an increase in acidity."

NOAA Ocean Acidification Program:
"Ocean acidification is occurring because our ocean is absorbing carbon dioxide from the atmosphere, leading to lower pH and greater acidity. This is causing a fundamental change in the chemistry of the ocean.
Since the industrial revolution, the atmospheric concentration of carbon dioxide has increased from 280 to over 400 parts per million due to the burning of fossil fuels such as coal, gas, and oil, along with land use change. Ocean acidification refers to a change in ocean chemistry in response to the uptake of increasing carbon dioxide (CO_2) in the atmosphere. The world's surface ocean is tightly linked with the atmosphere and absorbs huge amounts of carbon dioxide each year. This exchange, in part, helps to regulate the planet's atmospheric CO_2 concentrations, but comes at a cost for the oceans and life within it; from the smallest, single celled algae to the largest whales. Were it not for ocean uptake of CO_2, atmospheric CO_2 levels would be increasing at an even greater rate than they are now."
NOAA Pacific Marine Environmental Laboratory Carbon Program:

"Since the beginning of the Industrial Revolution, the pH of surface ocean waters has fallen by 0.1 pH units. Since the pH scale, like the Richter scale, is logarithmic, this change represents approximately a 30% increase in acidity. Future predictions indicate that the oceans will continue to absorb carbon dioxide and become even more acidic. Estimates of future carbon dioxide levels, based on business as usual (BAU) emission scenarios, indicate that by the end of this century the surface waters of the ocean could be nearly 150% more acidic, resulting in a pH that the oceans haven't experienced for more than 20 million years."

Do you accept the findings of these experts that:

a. The human-caused increase in atmospheric carbon pollution is directly related to decreases in ocean pH (ocean acidification)?

b. Oceans are currently acidifying at a rate unprecedented in tens of millions of years?

c. Ocean acidification is damaging coral reefs worldwide, important habitats for recreation, tourism, and commercial fishing?

d. Ocean acidification is harmful to marine ecosystems, negatively affecting fish populations and the communities who depend on them?

e. If you do not agree with any of these statements, please identify the evidence, studies, or analyses you are relying upon to justify your position.

Given the short schedule provided for responding to these questions, and given the substantial number of complex questions, I have not had time to review the sources to which you refer in this question.

111. 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%.

a. Do you agree that RGGI has developed a successful model for growing our states' economies and cutting carbon pollution at the same time?

b. Do you believe funding levels for EPA grant programs that fund state level initiatives to reduce their emissions should remain level, be increased, or be decreased?

The very low allowance prices under RGGI and the similar performance in other states suggest that RGGI is not a driving factor in these statistics. If confirmed, I will manage OAR's programs within the authorities and budget provided by Congress, including STAG grants.

112. 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.

a. What is your vision for air monitoring?

b. Do you believe funding at EPA for these important monitoring networks should remain level, be increased, or decreased?

c. Under your leadership, will you push for greater inclusion of technology-based tools for compliance monitoring and implementation, including electronic reporting and additional air monitors?

Actual air monitoring data is far preferable to modeling or other forms of estimation. The question of compliance monitoring is primarily the responsibility of the Office of Enforcement and Compliance Assurance, with which I will work closely, if confirmed. With regard to budget, if confirmed, I will manage OAR's programs within the authorities and budget provided by Congress.

113. Section 105 grants provide significant funding to states for implementing the Clean Air Act requirements. 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 confirmed, I will manage OAR's programs within the authorities and budget provided by Congress, including STAG grants.

114. The Clean Air Act regulates air emissions from stationary and mobile sources, protecting public health and ensuring Americans have safe air to breathe. Concentrated animal feeding operations (CAFOs) may emit air pollutants in high enough quantities to subject them to CAA and other statutory requirements.

a. Do you believe CAFOs pollute the air?

b. Do you believe it is important for EPA, state and local agencies, and the public to know what air quality and health risks are posed by animal feeding operations?

c. Will you commit to ensuring that the law is enforced with regards to CAFOs.

CAFOs emit a number of CAA-regulated air pollutants. CAFOs also are different than most other stationary sources regulated under the CAA. These differences must be carefully considered in crafting any CAA-based regulatory requirements.

115. On September 19, 2017, the EPA Office of Inspector General (OIG) released a report on EPA's attempts to develop reliable emission estimation methods (EEMs) to determine

whether animal feeding operation are subject to or comply with Clean Air Act permit requirements or emission reporting requirements under CERCLA or EPCRA (Report No. 17-P-0396). On June 23, 2017, the Office of Air and Radiation agreed with OIG's recommendations and OIG has accepted its planned corrective actions. If confirmed, do you commit to ensuring EPA fulfills its commitment to implement the actions laid out in OAR's June 23, 2017 letter to OIG?

I am not familiar with the OIG report or OAR's response. If confirmed, I will take time to familiarize myself with these materials and this issue.

116. OIG's September 19, 2017 report (Report No. 17-P-0396) on animal feeding operations cited a lack of EPA agricultural air expertise and committed resources as a factor in delays in developing emission estimating methodologies.

    a. Given President Trump's proposed cuts to EPA's budget, how do you envision implementing the actions agreed to by OAR in Report No. 17-P-0396?

    b. What is your vision for protecting public health by ensuring animal feeding operations are meeting CAA and other statutory requirements?

    I am not familiar with the OIG report, so cannot comment on its findings. In my experience, OAR career staff and executives have ample experience and expertise with agricultural issues, including those arising at CAFOs.

117. Until recently, Carl Icahn served as a special advisor to the President on overhauling regulations. Carl Icahn is also a majority owner of CVR Energy which is an oil refiner that has a compliance obligation under the RFS to blend its oils with renewable fuels. Icahn's company has repeatedly benefited when he has proposed changes to the RFS that would benefit CVR and through speculation in the Renewable Identification Numbers (RINs) market. For example, in February of 2017 Mr. Icahn reportedly presented the White House with draft Executive Order language that would reform the RFS to benefit CVR energy. The same day, CVR's stock value increased by 3.5%, representing a multi-million dollar windfall to Icahn.

    a. Please describe any interactions you've had with Carl Icahn, CVR Energy, Valero, or other entities about the RFS in the past two years.

    b. Do you think it is appropriate for an Administration official like Mr. Icahn to propose making changes to EPA regulations that clearly benefit a company he owns?

    c. If you are confirmed as AA of OAR, and Carl Icahn or CVR Energy approaches you about a matter related to the RFS, do you think would be appropriate to talk with him?

d. Will you commit to not talking with Carl Icahn about the RFS?

I have had no interactions with Carl Icahn, CVR Energy, or Valero on the RFS in the past two years. I do not recall interactions with other entities on the RFS in the past two years, although I occasionally offer implementation advice to clients on the RFS. If confirmed, I fully intend to have an open door policy on all issues, which might include meetings with both proponents and opponents of the RFS.

118. Since July, EPA has submitted two different proposals that would lower the volumes for biodiesel and renewable diesel. Congress told EPA to increase the volumes of biodiesel and renewable diesel, and both the President and Administrator Pruitt have pledged their support for the RFS. How do you explain EPA's actions?

I am not involved in EPA's decisions about RFS implementation, so I cannot explain their current thinking.

119. In your professional career you have specifically worked against the interests of biofuels and have represented the petroleum sector in multiple law suits. As Assistant Administrator how would the biodiesel and renewable diesel industries get a fair hearing from you?

Comprehensive rules of ethics govern the transition from private practice to government service. If confirmed, I will work closely with EPA ethics officials to understand and strictly comply with my ethical obligations. Further, I commit to implementing an open door policy in meeting with all relevant stakeholders within OAR and will work to faithfully implement all aspects of the CAA, including the RFS in an impartial manner.

120. In July, the DC Circuit Court in ACE vs. EPA said, EPA can't use general waive authority to regulate supply under the RFS. Yet in the most recent proposal from EPA, EPA is proposing exactly that and is working to use general waive authority to decrease the volumes based on supply. Clearly we have billions of gallons of biodiesel and renewable diesel that qualify for the program and are ready to be produced here in the United States, in Canada and throughout the world. Isn't EPA setting itself up for another lawsuit?

I am not familiar with EPA's recent RFS proposals or on the Agency's view as to how they relate to the recent court decision.

121. The EPA has signaled its planned rejection of the proposal to change the point of obligation under the law. The Agency has yet to issue a decision. If confirmed, will you finalize and issue the Agency's rejection of this proposal, and if so, when? Have you ever expressed a view on proposals to change the point of obligation and if so, what was it?

I expressed a view on this topic when the RFS1 rules were established during my prior tenure at EPA. At that time, I supported the point of obligation that, then and

now, is contained in the rules. I have not expressed a view on the possibility of changing the point of obligation. I cannot prejudge any decision that might be made by EPA if I am confirmed.

122. On September 26, the EPA issued a Notice of Data Availability that proposed to make significant, substantial changes to its proposed 2018 RVO and provided for a 15-day comment period. NODAs are generally used to provide data and supplement information in the record. In this case, the EPA has proposed to make material changes to its original proposal, offering stakeholders only 15 days to comment on something that, if adopted, would negatively impact the U.S. biodiesel industry and set the stage for unjustified reductions in perpetuity. In your experience, is this a typical use of a NODA, and can you give me another example when the EPA has used a NODA in this manner? Do you believe that 15 days is an appropriate comment period for a proposed rule under the RFS? In your opinion, is inventing a new methodology to justify a pre-determined outcome an appropriate process to apply in EPA rulemakings under the RFS?

I do not know why EPA decided to issue a NODA rather than a supplemental proposal. What matters most is whether interested parties have received adequate notice of a possible rule change. I believe the NODA provided such notice. The CAA does not specify a minimum period for public comments. I know that issuing RVOs takes a lot of work and meeting the annual schedule is always a challenge. A short comment period on a set of narrow issues may be what is needed to keep this rule on schedule.

123. Do you believe methane is a greenhouse gas? What is methane's global warming potential, and from what source does that number come?

Yes, methane is a GHG. When it established NSPS limits on methane for the oil and gas industry, EPA estimated the global warming potential of methane to be 25. *See*, 81 Fed. Reg. 35824, 35827 (June 3, 2016).

124. Is it your understanding that EPA will enforce the methane rule on a case-by-case basis? Please explain how EPA's case-by-case approach to compliance with the Methane Rule is consistent with EPA's "No Action Assurance" policy, which dates back to 1984.

I do not know what it means to "enforce the methane rule on a case-by-case basis." I have no official knowledge of EPA potentially issuing a no-action assurance with regard to aspects of the "Quad Oa" methane rule, nor am I aware that any such document has been issued.

125. Which states have been delegated enforcement authority over the Methane Rule? What oversight and/or assistance will EPA provide these states to ensure that regulated entities are complying with the rule?

I do not know which states have been delegated enforcement authority for the

Methane Rule. When such delegation is made, EPA retains authority to interpret and enforce the rule.

126. What types of reports and notifications should EPA require states with delegated enforcement authority to submit to the agency to ensure that the states are enforcing the methane rule?

The rules (such as they are) that govern delegation appear at 40 CFR Part 60 Subpart A.

127. Administrator Pruitt has been criticized for spending a disproportionate amount of his time meeting with industry and virtually no time with public-interest groups. If confirmed, will you commit to meet with and listen to all parties, including environmental and public health groups, in a balanced fashion?

If confirmed, I fully intend to have an open door policy on all issues.

128. 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?

I intend to conduct all official business using my published EPA e-mail address. I do not intend to use my personal e-mail address or any pseudonym.

129. Do you believe the U.S. should remain a party to the United Nations Framework Convention on Climate Change?

The UNFCC is a treaty. The US Department of State has primary responsibility for treaties. I defer to State on this issue.

130. Do you believe the U.S. should remain a party to the Paris Agreement?

The Paris Agreement is an international agreement. The US Department of State has primary responsibility for such matters. I defer to State on this issue.

131. If confirmed, do you commit to providing complete and accurate responses to inquiries from EPW members in a timely fashion.

Administrator Pruitt has made responsiveness to Congress an important priority. The 2800 pages of EPA responses provided to Members of the Environment and Public Works Committee on display at the nomination hearing is a testament to this commitment. Accordingly, I will continue to be a part of EPA's transparent and responsive culture.

132. Do you think there should be a standardized social cost of carbon? Is the social cost of carbon greater than zero dollars per metric ton? If so, what is the most accurate social cost of carbon in 2017 and what is the best way to calculate this number?

EPA develops benefits estimates for many CAA-regulated pollutants. The "social cost of carbon" is a benefits estimate and it would be consistent with EPA practice to develop such a value. I do not know enough about the underlying data to suggest an appropriate value. It is worth noting that the global scale, long lag time, and indirect nature of the effects of GHG emissions make it particularly difficult to develop a reliable benefits estimate, as compared to other CAA pollutants, which have more direct and immediate effects.

133. A 2007 legal challenge prompted the courts to direct the government to further quantify the costs and benefits of a ton of carbon pollution in federal government rulemakings. Specifically, the U.S. Court of Appeals for the 9th Circuit agreed that in quantifying the benefit of cutting carbon pollution but admonished that the value is "certainly not zero."[24] The Court asked National Highway Traffic Safety Administration to do a new rule that addressed this issue. This court decision has led the Bush and Obama Administrations to further refine a value for the SCC. Do you agree with the reasoning in this decision?

a. If no, please explain why not and how that would affect how you would approach your responsibilities.

I am not familiar with that decision. As noted above, there are many challenges to developing a reliable benefits estimate for GHGs.

134. In 2009, the Obama administration created an interagency working group (IWG) in an effort to create a governmental value for the social cost of carbon, which based its calculations on peer-reviewed economic models and expert opinions. The models included in their analysis were the Dynamic Integrated Climate-Economy (DICE)[25], Policy Analysis of the Greenhouse Effect (PAGE)[26], Climate Framework for Uncertainty, Negotiation and Distribution (FUND)[27], and World Induced Technical Change Hybrid (WITCH)[28] models. The IWG was comprised of scientists and economists from the Office of Management Budget, the Council for Environmental Quality, the National Economic Council, the EPA, the U.S. Department of Agriculture, Energy, Transportation, and Treasury.

a. Can you discuss whether you think the models used by the IWG are appropriate and credible tools for calculating the social cost of carbon?

---

[24] *Center for Biological Diversity v. National Highway Traffic Safety Administration*, 508 F.3d 508, U.S. Court of Appeals for the 9th Circuit (2007), available at http://caselaw.findlaw.com/us-9th-circuit/1024716.html.
[25] Dynamic Integrated Climate-Economy model (DICE), http://www.econ.yale.edu/~nordhaus/homepage/dicemodels.htm
[26] Policy Analysis of the Greenhouse Effect (PAGE), http://climatecolab.org/resources/-/wiki/Main/PAGE
[27] The Climate Framework for Uncertainty, Negotiations and Distribution (FUND), http://www.fund-model.org/
[28] World Induced Technical Change Hybrid model (WITCH), http://www.witchmodel.org/

b. Can you comment on whether the IWG was comprised of the right governmental stakeholders and actors?

I am not familiar with the models used by the IWG. I believe it is appropriate to be inclusive in establishing a benefits estimate for GHGs.

135. On March 28, 2017, the President issued a Presidential Executive Order on Promoting Energy Independence and Economic Growth, which disbanded the IWG, withdrew the guidance it issued, and reverted to OMB Circular A-4 of September 17, 2003 (Regulatory Analysis). This in effect requires each agency to estimate the value of changes in greenhouse gas emissions resulting from regulations. Do you believe the regulatory process will be more effective and efficient in the absence of unified guidance on how to monetize the value of changes in greenhouse gas emissions?

Any benefits estimate – even if developed as part of an EPA rule – likely will be developed in coordination and conjunction with other departments and agencies.

136. Part of the social cost of carbon calculation assumes a value for discount rates. The IWG after reviewing past OMB guidance recommended using a 3% discount rate[29].

a. Do you have an opinion on what the discount rate value should be when calculating the social cost of carbon?

b. Scientific research has found that it would be more accurate to use a declining discount rate instead of a fixed one. Do you agree that a declining discount rate would be more accurate?

c. Do you have an opinion on what the discount rate value should be used for inter-generational impacts?

I currently do not have an opinion on the proper discount rate.

137. Do you believe that it is appropriate for a cost-benefit analysis to consider the harm caused in other countries from pollution emitted in the United States?

The CAA has provisions that address international pollution transport. For example, CAA § 179B deals with "international border areas." I believe that international pollution transport and effects should be addressed as specified by the Act.

[29] Interagency Working Group on Social Cost of Greenhouse Gases, *Technical Support Document*, pp. 15–16.

Senator Wicker:

138. As you consider policies at the EPA that affect emissions, will you consider the future uses of biomass in the U.S. as part of the power generation mix? Will you consider and institute policies related to emissions that will allow new market opportunities for American biomass and wood pellet resource?

Biomass is an important domestic source of fuel for power generation. It has been and will continue to be considered as EPA formulates policies and emissions control programs for the power sector.

139. For most of its existence, the ENERGY STAR program has been housed at EPA. Since a 2009 MOU between EPA and DOE, EPA has been administering the voluntary ENERGY STAR program on home appliances.

I am concerned about the proposals to move the ENERGY STAR program for home appliances to DOE. There is the potential that this change could result inefficiencies and lead to additional regulatory burdens. In particular, DOE may not update specifications to incorporate evolving technologies as EPA has through the voluntary program in partnership with stakeholders.

Can you share your perspective on this issue?

ENERGY STAR is a unique and successful program. Its ongoing success highly depends on maintaining credible specifications for covered products and services. Responsibility for implementing ENERGY STAR is split between EPA and DOE. Close coordination is vital to effective program implementation. If confirmed, I intend to make such coordination a priority.

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/13/2017 8:20:45 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: RE: have you sent the Qs yet?

Just sent! **Deliberative Process / Ex. 5**

Call if you need anything.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: **Ex. 6**
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Monday, November 13, 2017 3:11 PM
To: Palich, Christian <palich.christian@epa.gov>
Subject: have you sent the Qs yet?

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | **Ex. 6** | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/5/2017 9:10:28 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]
Subject: Re: Congratulations!

Our water nominee told me the same yesterday. I'm seeing a pattern.

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Oct 5, 2017, at 5:05 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Buzz kill Christian.

Andrew R. Wheeler
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Thursday, October 05, 2017 5:02 PM
To: Wheeler, Andrew R.
Cc: Lyons, Troy; Bowman, Liz
Subject: Re: Congratulations!

Also congrats Andrew! **Deliberative Process / Ex. 5**
Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Oct 5, 2017, at 4:56 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Thanks! Deliberative Process / Ex. 5

Andrew R. Wheeler
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Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Thursday, October 05, 2017 4:50 PM
To: Wheeler, Andrew R.
Cc: Palich, Christian; Bowman, Liz
Subject: Congratulations!

Congratulations on the official nomination.

We look forward to working w you on your confirmation.

Deliberative Process / Ex. 5

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 (cell)

Sent from my iPhone

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/12/2017 7:15:44 PM
To: Wehrum, William L. [wwehrum@hunton.com]
CC: Aaron Ringel (ringel.aaron@epa.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Troy Lyons (lyons.troy@epa.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Cleared Final QFR's
Attachments: FINAL Wehrum QFRs 10.12.2017.pdf; Wehrum QFRs - Attachment 1.pdf

Hi Bill,

Deliberative Process / Ex. 5

Thanks!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Wehrum – Pending Cases
October 12, 2017

Case Number Title	Party Attorney	Originating Case Number Origin
08-1277 American Petroleum Institute v. EPA	American Fuels & Petrochemical Manufacturers Association; American Petroleum Institute; National Petrochemical & Refiners Association; Western States Petroleum Association	EPA-1 : EPA-73FR35838 Environmental Protection Agency
08-1281 Env. Integrity Project v. EPA	American Fuels & Petrochemical Manufacturers Association; American Petroleum Institute; National Petrochemical & Refiners Association	EPA-1 : EPA-73FR35838 Environmental Protection Agency
09-1332 Kinder Morgan CO2 Co., LP v. EPA	Kinder Morgan CO2 Co., LP	EPA-1 : EPA-74FR56260 Environmental Protection Agency
11-1023 Gas Processors Association v. EPA	Gas Processors Association	EPA-1 : EPA-75FR74458 Environmental Protection Agency
11-1309 American Petroleum Institute, et al v. EPA	American Petroleum Institute; Independent Petroleum Association of America	EPA-1 : EPA-76FR38748 Environmental Protection Agency
12-1208 National Rural Electric Coop. v. EPA	National Rural Electric Cooperative Association	EPA-1 : EPA-77FR10324 Environmental Protection Agency
12-1352 National Rural Electric Cooper v. EPA	National Rural Electric Cooperative Association	EPA-1 : EPA-77FR34830 Environmental Protection Agency
12-1405 American Petroleum Institute v. EPA	American Petroleum Institute	EPA-1 : EPA-77FR49490 Environmental Protection Agency
12-1406 Gas Processors Association v. EPA	American Petroleum Institute	EPA-1 : EPA-77FR49490 Environmental Protection Agency
12-1442 American Petroleum Institute, et al v. EPA	11/13/2012 Open American Fuel & Petrochemical Manufacturers; American Petroleum Institute	EPA-1 : EPA-77FR56422 Environmental Protection Agency
13-1063 American Petroleum Institute v. EPA	American Petroleum Institute	EPA-1 : EPA-78FR2210 Environmental Protection Agency

13-1108 American Petroleum Institute v. EPA	American Petroleum Institute	EPA-1 : EPA-77FR49490 Environmental Protection Agency
13-1233 Conservation Law Foundation, et al v. EPA	National Rural Electric Cooperative Association	EPA-1 : EPA-78FR6674 Environmental Protection Agency
13-1256 Sierra Club, et al v. EPA	American Coke and Coal Chemicals Institute; American Forest & Paper Association; American Iron and Steel Institute; American Wood Council; Biomass Power Association; Chamber of Commerce of the United States of America; Corn Refiners Association; National Association of Manufacturers; National Oilseed Processors; Rubber Manufacturers Association; Southeastern Lumber Manufacturers Association	EPA-1 : EPA-76FR15608 Environmental Protection Agency
13-1289 American Petroleum Institute v. EPA	American Petroleum Institute	EPA-1 : EPA-78FR58416 Environmental Protection Agency
14-1199 PSEG Power LLC, et al v. EPA	National Rural Electric Cooperative Association	EPA-1 : EPA-79FR48072 Environmental Protection Agency
14-1267 Georgia-Pacific LLC v. EPA	Georgia-Pacific LLC	EPA-1 : EPA-79FR60898 Environmental Protection Agency
15-1021 Gas Processors Association v. EPA	Gas Processors Association	EPA-1 : EPA-79FR70352 Environmental Protection Agency
15-1044 American Petroleum Institute v. EPA	American Petroleum Institute	EPA-1 : EPA-79FR79018 Environmental Protection Agency
15-1197 American Petroleum Institute v. EPA	American Petroleum Institute	EPA-1 : EPA-80FR25068 Environmental Protection Agency
15-1473 Gas Processors Association v. EPA	Gas Processors Association	EPA-1 : EPA-80FR64262 Environmental Protection Agency
15-1487 Sierra Club, et al v. EPA, et al	Brick Industry Association	EPA-1 : EPA-80FR65470 Environmental Protection Agency

15-1492 Brick Industry Association v. EPA	Brick Industry Association	EPA-1 : EPA-80FR65470 Environmental Protection Agency
16-1021 Sierra Club, et al v. EPA, et al	American Chemistry Council; American Coke and Coal Chemicals Institute; American Forest & Paper Association; American Iron and Steel Institute; American Wood Council; Biomass Power Association; Coalition for Responsible Waste Incineration; Council of Industrial Boiler Owners; National Association of Manufacturers; National Oilseed Processors Association; Southeastern Lumber Manufacturers Association, Inc.	EPA-1 : EPA-80FR72790 Environmental Protection Agency
16-1033 American Fuel & Petrochemical, et al v. EPA	American Fuel & Petrochemical Manufacturers; American Petroleum Institute	EPA-1 : EPA-80FR75178 Environmental Protection Agency
16-1035 Air Alliance Houston, et al v. EPA, et al	American Fuel & Petrochemical Manufacturers; American Petroleum Institute	EPA-1 : EPA-80FR75178 Environmental Protection Agency
16-1179 Brick Industry Association v. EPA	Brick Industry Association	EPA-1 : EPA-81FR31234 Environmental Protection Agency
16-1270 American Petroleum Institute v. EPA	American Petroleum Institute	EPA-1 : EPA-81FR35824 Environmental Protection Agency
16-1271 American Petroleum Institute v. EPA	American Petroleum Institute	EPA-1 : EPA-81FR35944 Environmental Protection Agency
16-1345 American Petroleum Institute v. EPA	American Petroleum Institute	EPA-1 : EPA-81FR51102 Environmental Protection Agency
16-1425 Natural Resources Defense Coun v. EPA	American Petroleum Institute	EPA-1 : EPA-77FR49490 Environmental Protection Agency
17-1088 Utility Air Regulatory Group v. EPA	Utility Air Regulatory Group	EPA-1 : EPA-82FR4594 Environmental Protection Agency

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 1/4/2018 5:16:09 PM
To: andrew wheeler Ex. 6 andrew.wheeler@faegrebd.com
Subject: RE: Committee Letter

Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Palich, Christian
Sent: Thursday, January 4, 2018 12:10 PM
To: 'andrew wheeler' Ex. 6 andrew.wheeler@faegrebd.com
Subject: RE: Committee Letter

Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: andrew wheeler Ex. 6
Sent: Thursday, January 4, 2018 11:50 AM
To: Palich, Christian <palich.christian@epa.gov>; andrew.wheeler@faegrebd.com
Subject: Committee Letter

Christian, Deliberative Process / Ex. 5

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/28/2017 1:50:07 AM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: Re: Meeting Request

No problem Andrew, we will re send the request.

Have a terrific weekend!

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations

Ex. 6

Sent from my iPhone

On Oct 27, 2017, at 9:45 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> Can you send the meeting request to them below. Thanks Monday is fine.
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** "Kessler, Rick" <Rick.Kessler@mail.house.gov>
> > **Date:** October 27, 2017 at 7:25:13 PM EDT
> > **To:** "Wheeler, Andrew R." <Andrew.Wheeler@FaegreBD.com>
> > **Subject: RE: Meeting Request**
> >
> > Sorry I missed your call earlier. Was a crazy day.
> > I checked with the PO and they couldn't find a request. Can you resend and copy me?
> > His scheduler is Alexander Gristina (Alexander.Gristina@mail.house.gov).
> >
> > Also, I'm available to talk over the weekend if you want: Ex. 6
> >
> > **Rick Kessler**
> > **Senior Advisor &**
> > **Staff Director for Energy and Environment**
> > **Committee on Energy and Commerce Democratic Staff**
> > **(202) 225-4407**
> >
> > ---
> >
> > **From:** Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
> > **Sent:** Thursday, October 26, 2017 5:05 PM
> > **To:** Kessler, Rick <Rick.Kessler@mail.house.gov>
> > **Subject:** Meeting Request
> >
> > Rick, I hope things are going well. As I'm sure you heard I've been nominated to be the Deputy Administrator. EPA, at my request, reached out to both Chairman Walden and

your boss's office to see if they would like to meet with me prior to my nomination hearing. To my knowledge your office hasn't responded. Since the request is unorthodox for a nominee to offer a meeting to House members at this stage, I just wanted to make sure that you were aware it had been made. I would of course be happy to meet with him before or after the hearing and/or happy to meet with you. Thanks.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/9/2017 8:58:21 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: EPW Form

Perfect. Deliberative Process / Ex. 5

I'll tell EPW you would like Tuesday or Thursday!

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Oct 9, 2017, at 4:56 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Monday, October 09, 2017 4:53 PM
To: Wheeler, Andrew R.
Subject: RE: EPW Form

Deliberative Process / Ex. 5

Best Regards,

Christian R. Palich
Deputy Associate Administrator

Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Monday, October 9, 2017 4:44 PM
To: Palich, Christian <palich.christian@epa.gov>
Subject: RE: EPW Form

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Friday, October 06, 2017 3:39 PM
To: Wheeler, Andrew R.
Subject: Re: EPW Form

Hi Andrew,

Deliberative Process / Ex. 5

Just wanted to get you an update. Enjoy the weekend.

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Oct 6, 2017, at 1:41 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> **Deliberative Process / Ex. 5**
>
> Andrew R. Wheeler
> *Principal*
> andrew.wheeler@FaegreBD.com Download vCard
> D: +1 202 312 7424 | Ex. 6 | F: +1 202 312 7460
>
> **Faegre Baker Daniels Consulting**
> 1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Friday, October 06, 2017 1:38 PM
To: Wheeler, Andrew R.
Cc: Jackson, Ryan
Subject: RE: EPW Form

Perfect. **Deliberative Process / Ex. 5**

Thanks Andrew and have a terrific weekend!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: **Ex. 6**
E: Palich.Christian@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, October 6, 2017 1:34 PM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: EPW Form
Importance: High

Attached is my EPW form. **Deliberative Process / Ex. 5**

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | **Ex. 6** | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/26/2017 8:35:53 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Re: is the 8th confirmed now?

Still on the 8th!

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Oct 26, 2017, at 4:07 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> It has been scoped and we are still on, correct?
>
> Andrew R. Wheeler
> *Principal*
> andrew.wheeler@FaegreBD.com Download vCard
> D: +1 202 312 7424 | Ex. 6 | F: +1 202 312 7460
>
> **Faegre Baker Daniels Consulting**
> 1050 K Street NW | Suite 400 | Washington, DC 20001, USA
>
> ---
>
> **From:** Palich, Christian [mailto:palich.christian@epa.gov]
> **Sent:** Wednesday, October 25, 2017 10:59 AM
> **To:** Wheeler, Andrew R.
> **Cc:** Lyons, Troy
> **Subject:** RE: is the 8th confirmed now?
>
> As of yesterday EPW said 8th is 100% the day.
>
> Christian R. Palich
> *Deputy Associate Administrator*
> *Office of Congressional & Intergovernmental Affairs*
> *U.S Environmental Protection Agency*
> *O: 202.564.4944*
> *C:* Ex. 6
> *E: Palich.Christian@epa.gov*
>
> ---
>
> **From:** Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
> **Sent:** Wednesday, October 25, 2017 10:57 AM
> **To:** Palich, Christian <palich.christian@epa.gov>
> **Subject:** is the 8th confirmed now?

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | M: Ex. 6 | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/3/2017 9:13:16 PM
To: wwehrum@hunton.com; Leopold, Matthew Z. [MLeopold@carltonfields.com]; Dourson, Michael (doursoml) [doursoml@ucmail.uc.edu]; David Ross Ex. 6
CC: Troy Lyons (lyons.troy@epa.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]; Aaron Ringel (ringel.aaron@epa.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Rodrick, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6515dbe46dae466da53c8a3aa3be8cc2-Rodrick, Ch]
Subject: Tomorrow Line by Line
Attachments: 2017.10.03 - Senate EPW Committee Nomination Hearing Line by Line.docx

Hi All,

Finally tomorrow is here, really excited to finally have this hearing and I am 100% sure you will all do terrific. Attached is the line by line for tomorrow and the details to share with your family including where they should meet you. We will be leaving **EPA North Building via van at 8:50am.**

As always if you have any questions please let me know. Have a terrific evening!

Run of Show:

8:50 AM **Arrival: EPA North Building Lobby**
Location: 1200 Pennsylvania Avenue NW

9:00 AM **Departure: EPA for Dirksen Senate Office Building via EPA transport**

9:15 AM **Arrival: Dirksen Senate Office Building**
Location: Entrance located on the South East corner of the First Street NE and C Street NE intersection
Security Check Point: Upon arrival, proceed through the Capitol Police security check point located beyond the entrance of the building. Below, please find additional information about the security screening and prohibited items.

9:30 AM **Proceed to EPW Hearing Room**
Location: 406 Dirksen Senate Office Building
Nominee and Guest Check-in: 410 Dirksen Senate Office Building

10:00 AM **Hearing: Chairman Barrasso calls the hearing to order**
Location: 406 Dirksen Senate Office Building

~12:30 PM **Hearing Conclusion: Proceed to Dirksen exit**
Location: on the South East corner of the First Street NE and C Street NE intersection

~12:40 PM Departure: Dirksen Senate Office Building for EPA via EPA transport

~12:55 PM Arrival: EPA North Building Lobby
Location: 1200 Pennsylvania Avenue NW

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Personal Phone / Ex. 6
E: Palich.Christian@epa.gov

Office of Congressional &
Intergovernmental Relations

Senate Environment and Public Works Committee Nomination Hearing Line by Line
October 4th, 2017

Background:

At 10 am on Wednesday, October 4th, 2017, the Senate Committee on Environment and Public (EPW) works will hold a full committee hearing entitled, *Hearing on the Nominations of Michael Dourson, Matthew Leopold, David Ross, and William Wehrum to be Assistant Administrators of the Environmental Protection Agency, and Jeffery Baran to be a Member of the Nuclear Regulatory Commission.* The following document provides a brief overview of the anticipated run of show as well as contact information for members of the Office of Congressional and Intergovernmental Relations should you have any additional questions or need assistance.

Contact Information:

Tony Frye	Preston Cory
Cell: Ex. 6	Cell: Ex. 6
Email: Frye.Robert@epa.gov	Email: Cory.Preston@epa.gov

Run of Show:

8:50 AM **Arrival:** EPA North Building Lobby
Location: 1200 Pennsylvania Avenue NW

9:00 AM **Departure:** EPA for Dirksen Senate Office Building via EPA transport

9:15 AM **Arrival:** Dirksen Senate Office Building
Location: Entrance located on the South East corner of the First Street NE and C Street NE intersection
Security Check Point: Upon arrival, proceed through the Capitol Police security check point located beyond the entrance of the building. Below, please find additional information about the security screening and prohibited items.

9:30 AM Proceed to EPW Hearing Room
Location: 406 Dirksen Senate Office Building
Nominee and Guest Check-in: 410 Dirksen Senate Office Building

10:00 AM **Hearing:** Chairman Barrasso calls the hearing to order
Location: 406 Dirksen Senate Office Building

Sierra Club v. EPA 18cv3472 NDCA Tier 1 ED_002061_00152866-00001

~12:30 PM **Hearing Conclusion:** Proceed to Dirksen exit
Location: on the South East corner of the First Street NE and C Street NE intersection

~12:40 PM **Departure:** Dirksen Senate Office Building for EPA via EPA transport

~12:55 PM **Arrival:** EPA North Building Lobby
Location: 1200 Pennsylvania Avenue NW

Useful Information for Senate Visitors:

Security Screening: Before entry into the Capitol, all visitors are screened by a magnetometer, and all items that visitors may bring inside the building are screened by an x-ray device. Please note that the U.S. Capitol Police are authorized to make exceptions if a prohibited item is determined to be necessary and required to serve child care, medical or other special needs.

Prohibited Items – Visitors are not permitted to bring into the Capitol the following items:

- Aerosol and non-aerosol sprays
- Cans and bottles
- Food and beverages
- Any bag larger than 14" wide x13" high x 4" deep
- Knives of any size
- Razors and box cutters
- Mace and pepper spray
- Any pointed object (knitting needles, letter openers, etc.) **Pens and pencils are permitted*
- Electric stun guns, martial arts weapons or devices
- Guns, replica guns, ammunition, and fireworks

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 1/25/2018 1:32:58 AM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: Re: Schedule Tomorrow

Let's do 230 tomorrow Andrew, give me a ring and I'll come get you checked in!

Have a terrific evening.

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Jan 24, 2018, at 5:38 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> I'm free in the morning until a call at 11:00, then free in the afternoon from 2:00-3:30
>
> Sent from my iPhone
>
> On Jan 24, 2018, at 5:24 PM, Palich, Christian <palich.christian@epa.gov> wrote:
>
> > Hi Andrew,
> >
> > Do you have time to stop by the office tomorrow? Happy to work around your schedule.
> >
> > Thanks!
> >
> > Christian R. Palich
> > Deputy Associate Administrator
> > Congressional & Intergovernmental Relations
> > Ex. 6
> >
> > Sent from my iPhone

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 9/14/2017 10:26:44 PM
To: 'Dourson, Michael (doursoml)' [doursoml@ucmail.uc.edu]; 'David Ross' [Ex. 6]; MLeopold@carltonfields.com; wwehrum@hunton.com
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]
Subject: Tomorrows Schedule
Attachments: Senate Confirmed Nominee LxL 9.11.17.docx

Hi Everyone,

I have attached the most up to date line by line for reference, and below is the schedule for tomorrow for your convenience (please note some added meetings for next week). Congratulations to all of you for terrific meetings today, our team here at OCIR unanimously agrees they went incredibly well!

Please note to be here no later than 9:15am. Once you arrive at EPA HQ please call me at 202.306.4656 and I will come down to the front desk of the North Building to get you through security. We will then all walk to the mock hearing holding room together.

Friday, September 15

10:00 AM- 12:00 PM	Mock Hearing
12:15 PM- 1:15 PM	Debrief and Feedback

Enjoy the evening,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Senate Confirmed Nominee Line by Line

Week of September 11th

Thursday, September 14

9:00 AM- 9:30 AM	**All Nominees:** Meeting with OCIR Location: WJC North 3428 (OCIR Conference Room)
10:00 AM- 10:45 AM	**All Nominees:** Meeting with EPW Majority Staff Location: 410 Dirksen
11:00 AM- 11:30 AM	**DOURSON, ROSS, WEHRUM:** Meeting with Senator Wicker (R-MS) Location: 555 Dirksen
11:45 AM-12:15 PM	**DOURSON:** Meeting with Senator Whitehouse (D-RI) Location: 530 Hart
2:15 PM- 2:45 PM	**ROSS & LEOPOLD:** Meeting with Senator Markey (D-MA) Location: 255 Dirksen
2:30 PM- 3:00 PM	**DOURSON:** Meeting with Senator Carper (D-DE) Location: 513 Hart
3:30 PM- 4:00 PM	**ROSS**: Meeting with Senator Carper (D-DE) Location: 513 Hart
4:00 PM-4:30 PM	**WEHRUM:** Meeting with Senator Carper (D-DE) Location: 513 Hart
4:30 PM- 5:00 PM	**LEOPOLD:** Meeting with Senator Carper (D-DE) Location: 513 Hart

Friday, September 15

10:00 AM- 12:00 PM	Mock Hearing
12:15 PM- 1:15 PM	Debrief and Feedback

Senate Confirmed Nominee Line by Line

Week of September 18th

Monday, September 18

12:00 PM- 12:30 PM	**LEOPOLD:** Meeting with Senator Nelson's Office Staff: CoS, Susie Quinn; LD, Carla McGarvey Location: 716 Hart
4:00 PM-4:30 PM	**LEOPOLD:** Meeting with Senator Whitehouse (D-RI) Location: 530 Hart

Tuesday, September 19

10:00 AM- 11:00 AM	**LEOPOLD:** Final Pre- Hearing Prep
12:30 PM- 1:00 PM	**DOURSON:** Meeting with Senator Merkley Location: 313 Hart

Updated: 9/14/17 6:15 PM

1:00 PM- 2:00 PM	**WEHRUM:** Final Pre- Hearing Prep
1:30 PM- 2:30 PM	**DOURSON:** Final Pre-Hearing Prep
2:30 PM-3:00 PM	**WEHRUM:** Meeting with Senator Inhofe (R-OK) Location: 205 Russell
3:00 PM- 3:30 PM	**LEOPOLD:** Meeting with Senator Inhofe (R-OK) Location: 205 Russell
5:00 PM-5:30 PM	**ROSS:** Meeting with Senator Whitehouse (D-RI) Location: 530 Hart

Wednesday, September 20

10:00 AM- 12:00 PM	Senate Environment & Public Works Confirmation Hearing Location:

Senate Confirmed Nominee Line by Line

Week of September 25th

Thursday, September 28

4:00 PM- 4:30 PM	**WEHRUM:** Meeting with Senator Whitehouse (D-RI) Location: 530 Hart

Updated: 9/14/17 6:15 PM

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/12/2017 2:44:59 PM
To: Wehrum, William L. [wwehrum@hunton.com]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]
Subject: RE: QFR Responses

Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: **Ex. 6**
E: Palich.Christian@epa.gov

From: Wehrum, William L. [mailto:wwehrum@hunton.com]
Sent: Thursday, October 12, 2017 10:41 AM
To: Lyons, Troy <lyons.troy@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: QFR Responses

Deliberative Process / Ex. 5

HUNTON & WILLIAMS

Bill Wehrum
Partner
wwehrum@hunton.com
p 202.955.1637
bio | vCard | blog | LinkedIn

Hunton & Williams LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037

hunton.com

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 9/15/2017 5:56:34 PM
To: wwehrum@hunton.com
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: Opening Statement
Attachments: Wehrum Written Testimony-c.docx

Hi Bill,

Attached is your cleared opening statement.

Have a great weekend,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 9/13/2017 10:37:51 PM
To: 'David Ross' Ex. 6 ; MLeopold@carltonfields.com; 'Dourson, Michael (doursoml)' [doursoml@ucmail.uc.edu]; wwehrum@hunton.com
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: Tomorrow 9/14 Schedule
Attachments: Senate Confirmed Nominee LxL 9.11.17.docx

Hi Everyone,

I have attached the most up to date line by line for reference, and below is the schedule for tomorrow for your convenience. OCIR has planned all the logistics out for tomorrow's meetings and we will ensure everyone gets where they need to be on time.

*Please note we will have a **9am pre meeting** with you all and our OCIR team. Once you arrive at EPA HQ please call myself at 202.306.4656 or Kaitlyn Shimmin 202.760.0546 and we will come down to the front desk of the North Building to get you through security. We will then promptly leave EPA at 9:30am via EPA vehicle.*

Thursday, September 14

9:00 AM- 9:30 AM **All Nominees:** Meeting with OCIR
Location: WJC North 3428 (OCIR Conference Room)

10:00 AM- 10:45 AM **All Nominees:** Meeting with EPW Majority Staff
Location: 410 Dirksen (Staff: Christian Palich & Aaron Ringel)

11:00 AM- 11:30 AM **DOURSON, ROSS, WEHRUM:** Meeting with Senator Wicker (R-MS)
Location: 555 Dirksen (Staff: Christian Palich & Aaron Ringel)

11:45 AM-12:15 PM **DOURSON:** Meeting with Senator Whitehouse (D-RI)
Location: 530 Hart (Staff: Troy Lyons & Christian Palich)

2:15 PM- 2:45 PM **ROSS & LEOPOLD:** Meeting with Senator Markey (D-MA)
Location: 255 Dirksen (Christian Palich & Kaitlyn Shimmin)

2:30 PM- 3:00 PM **DOURSON:** Meeting with Senator Carper (D-DE)
Location: 513 Hart (Troy Lyons & Tony Frye)

3:30 PM- 4:00 PM **ROSS**: Meeting with Senator Carper (D-DE)
Location: 513 Hart (Troy Lyons & Christian Palich)

4:00 PM-4:30 PM **WEHRUM:** Meeting with Senator Carper (D-DE)
Location: 513 Hart (Troy Lyons & Aaron Ringel)

4:30 PM- 5:00 PM **LEOPOLD:** Meeting with Senator Carper (D-DE)
Location: 513 Hart (Troy Lyons & Christian Palich)

If everyone has time tonight or later this week, our team thought it might be helpful to also review Susan Bodine's confirmation hearing to get a sense of what next week will be like. (link below)

https://www.epw.senate.gov/public/index.cfm/hearings?ID=8A391353-EECC-4D5F-A426-848BF12054E5

Have a terrific evening!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Senate Confirmed Nominee Line by Line

Week of September 11th

Thursday, September 14

9:00 AM- 10:00 AM	**All Nominees:** Meeting with OCIR Location: WJC North 3428 (OCIR Conference Room)
10:00 AM- 10:45 AM	**All Nominees:** Meeting with EPW Majority Staff Location: 410 Dirksen
11:00 AM- 11:30 AM	**DOURSON, ROSS, WEHRUM:** Meeting with Senator Wicker (R-MS) Location: 555 Dirksen
11:45 AM-12:15 PM	**DOURSON:** Meeting with Senator Whitehouse (D-RI) Location: 530 Hart
2:15 PM- 2:45 PM	**ROSS & LEOPOLD:** Meeting with Senator Markey (D-MA) Location: 255 Dirksen
2:30 PM- 3:00 PM	**DOURSON:** Meeting with Senator Carper (D-DE) Location: 513 Hart
3:30 PM- 4:00 PM	**ROSS**: Meeting with Senator Carper (D-DE) Location: 513 Hart
4:00 PM-4:30 PM	**WEHRUM:** Meeting with Senator Carper (D-DE) Location: 513 Hart
4:30 PM- 5:00 PM	**LEOPOLD:** Meeting with Senator Carper (D-DE) Location: 513 Hart

Friday, September 15

10:00 AM- 12:00 PM	Mock Hearing
12:15 PM- 1:15 PM	Debrief and Feedback

Senate Confirmed Nominee Line by Line

Week of September 18th

Monday, September 18

4:00 PM-4:30 PM	**LEOPOLD:** Meeting with Senator Whitehouse (D-RI) Location: 530 Hart

Tuesday, September 19

2:30 PM-3:00 PM	**WEHRUM:** Meeting with Senator Inhofe (R-OK) Location: 205 Russell
3:00 PM- 3:30 PM	**LEOPOLD:** Meeting with Senator Inhofe (R-OK) Location: 205 Russell
5:00 PM-5:30 PM	**ROSS:** Meeting with Senator Whitehouse (D-RI) Location: 530 Hart

Updated: 9/13/17 6:15 PM

Wednesday, September 20

10:00 AM- 12:00 PM	Senate Environment & Public Works Confirmation Hearing Location:

Senate Confirmed Nominee Line by Line

Week of September 25th

Thursday, September 28

4:00 PM- 4:30 PM	**WEHRUM:** Meeting with Senator Whitehouse (D-RI) Location: 530 Hart

Updated: 9/13/17 6:15 PM

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 9/18/2017 1:59:12 PM
To: Wehrum, William L. [wwehrum@hunton.com]
Subject: Re: Tomorrows Schedule

Thanks Bill!

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Sep 18, 2017, at 9:51 AM, Wehrum, William L. <wwehrum@hunton.com> wrote:

> Christian – Here's a short bio and picture.
>
> **From:** Palich, Christian [mailto:palich.christian@epa.gov]
> **Sent:** Monday, September 18, 2017 9:41 AM
> **To:** Shimmin, Kaitlyn; 'Dourson, Michael (doursoml)'; 'David Ross'; MLeopold@carltonfields.com; Wehrum, William L.
> **Cc:** Lyons, Troy; Ringel, Aaron; Shimmin, Kaitlyn; Frye, Tony (Robert)
> **Subject:** RE: Tomorrows Schedule
>
> Hi Everyone,
>
> **Deliberative Process / Ex. 5**
>
> Thank you and please let me know if you have any questions.
>
> Christian R. Palich
> *Deputy Associate Administrator*
> *Office of Congressional & Intergovernmental Affairs*
> *U.S Environmental Protection Agency*
> *O: 202.564.4944*
> *C:* Ex. 6
> *E: Palich.Christian@epa.gov*
>
> **From:** Shimmin, Kaitlyn
> **Sent:** Friday, September 15, 2017 6:11 PM
> **To:** Palich, Christian <palich.christian@epa.gov>; 'Dourson, Michael (doursoml)' <doursoml@ucmail.uc.edu>; 'David Ross' <Ex. 6>; MLeopold@carltonfields.com;

wwehrum@hunton.com
Cc: Lyons, Troy <lyons.troy@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>
Subject: RE: Tomorrows Schedule

Hello Everyone-

Attached is the most up to date schedule. And below is Monday & Tuesdays's details. As always, this is subject to change. If you have flights for next week please forward so that I can make sure we don't double book you.

Thanks again and great job today!

Monday, September 18

12:00 PM- 12:30 PM	**LEOPOLD:** Meeting with Senator Nelson's Office Staff: CoS, Susie Quinn; LD, Carla McGarvey Location: 716 Hart
4:30 PM-5:00 PM	**LEOPOLD:** Meeting with Senator Whitehouse (D-RI) Location: 530 Hart

Tuesday, September 19

10:00 AM- 11:00 AM	**LEOPOLD:** Final Pre- Hearing Prep
12:30 PM- 1:00 PM	**DOURSON:** Meeting with Senator Merkley Location: US Capitol ST-64
1:00 PM- 2:00 PM	**WEHRUM:** Final Pre- Hearing Prep
1:30 PM- 2:30 PM	**DOURSON:** Final Pre-Hearing Prep
2:30 PM-3:00 PM	**WEHRUM:** Meeting with Senator Inhofe (R-OK) Location: 205 Russell
3:00 PM- 3:30 PM	**LEOPOLD:** Meeting with Senator Inhofe (R-OK) Location: 205 Russell
3:30 PM- 4:30 PM	**ROSS:** Final Pre-Hearing Prep
5:00 PM-5:30 PM	**ROSS:** Meeting with Senator Whitehouse (D-RI) Location: 530 Hart

Kaitlyn Shimmin
Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
O: (202) 564-4108
C: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Palich, Christian
Sent: Thursday, September 14, 2017 6:27 PM
To: 'Dourson, Michael (doursoml)' <doursoml@ucmail.uc.edu>; 'David Ross' <Ex. 6>; MLeopold@carltonfields.com; wwehrum@hunton.com
Cc: Lyons, Troy <lyons.troy@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>
Subject: Tomorrows Schedule

Hi Everyone,

I have attached the most up to date line by line for reference, and below is the schedule for tomorrow for your convenience (please note some added meetings for next week). Congratulations to all of you for terrific meetings today, our team here at OCIR unanimously agrees they went incredibly well!

Please note to be here no later than 9:15am. Once you arrive at EPA HQ please call me at 202.306.4656 and I will come down to the front desk of the North Building to get you through security. We will then all walk to the mock hearing holding room together.

Friday, September 15

10:00 AM- 12:00 PM	Mock Hearing
12:15 PM- 1:15 PM	Debrief and Feedback

Enjoy the evening,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

<Wehrum Bio Sept 2017-c-c-c.doc>

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/6/2017 12:40:44 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
CC: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Re: Monday meeting?

It is, they decided to have Andrew and Kathleen do the meeting together. Sorry for the confusion.

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Nov 6, 2017, at 7:39 AM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:

> Christian can you double check with them that it is different from this meeting? That Beth set up. Thanks!
>
> <image1.PNG>
>
> Sent from my iPhone
>
> On Nov 3, 2017, at 8:41 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:
>
>> I already have one on my calendar for Tuesday for 2:30, but I can do Monday at 2:30. I have a noon meeting with toxics on Monday.
>>
>> Sent from my iPhone
>>
>> On Nov 3, 2017, at 5:37 PM, Palich, Christian <palich.christian@epa.gov> wrote:
>>
>>> Do one of these times work Monday for you Andrew?
>>>
>>> Have a great weekend!
>>>
>>> Christian R. Palich
>>> Deputy Associate Administrator
>>> Congressional & Intergovernmental Relations
>>> Ex. 6
>>>
>>> Sent from my iPhone
>>>
>>> Begin forwarded message:
>>>
>>>> **From:** "Leggett, Matt (EPW)" <Matt_Leggett@epw.senate.gov>

Date: November 3, 2017 at 5:18:51 PM EDT
To: "Viktoria Seale (Ex. 6)" (Ex. 6 >, "Palich, Christian" <palich.christian@epa.gov>
Cc: "Lyons, Troy" <lyons.troy@epa.gov>, " Ex. 6 " < Ex. 6 >, "Trenti, Beth (EPW)" <Beth_Trenti@epw.senate.gov>
Subject: Monday meeting?

Hi Viktoria and Christian,

We were wondering if you all would like to bring in Ms. White and Mr. Wheeler to meet with majority staff and majority subcommittee staff directors on **Monday at 12 noon or 2:30?** This would be one final meeting to go over the hearing, have an informal q&a, and get the subcommittee staff directors focused and involved. Are you and the nominees available to meet at EPW at either of those times?

Best,

Matt

Matt Leggett
Chief Counsel
Ex. 6
--
U.S. Senate Committee on Environment and Public Works
Senator John Barrasso, Chairman

●●●○○ Verizon LTE 7:38 AM

Nov 7 **Event Details**

Meeting with Richard Russell

410 Dirksen Senate Office Building

Tuesday, Nov 7, 2017
from 2:30 PM to 3:30 PM

2 PM

3 PM CANCELED ~~Cancele...~~ Meeting with Richard Russell Meeting with Richard Russ...

4 PM Call: Congressman Darin LaHood (IL-18) Administrator's Office

Calendar

● Calendar

BT Invitation from
Beth Trenti

Accepted

Troy Lyons

No Reply

Christian Palich Kaitlyn Shimmin

Alert

None

Accept Maybe Decline

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/4/2017 1:02:01 AM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Re: Monday meeting?

They decided to do the meeting together instead of separate and I think Kathleen couldn't do Tuesday, sorry for the confusion.

We will send you the updated calendar invite for Monday at 2:30.

Enjoy the weekend!

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Nov 3, 2017, at 8:41 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

> I already have one on my calendar for Tuesday for 2:30, but I can do Monday at 2:30. I have a noon meeting with toxics on Monday.
>
> Sent from my iPhone
>
> On Nov 3, 2017, at 5:37 PM, Palich, Christian <palich.christian@epa.gov> wrote:
>
>> Do one of these times work Monday for you Andrew?
>>
>> Have a great weekend!
>>
>> Christian R. Palich
>> Deputy Associate Administrator
>> Congressional & Intergovernmental Relations
>> Ex. 6
>>
>> Sent from my iPhone
>>
>> Begin forwarded message:
>>
>>> **From:** "Leggett, Matt (EPW)" <Matt_Leggett@epw.senate.gov>
>>> **Date:** November 3, 2017 at 5:18:51 PM EDT
>>> **To:** "Viktoria Seale (Ex. 6)" <Ex. 6>, "Palich, Christian" <palich.christian@epa.gov>

Cc: "Lyons, Troy" <lyons.troy@epa.gov>,
"Ex. 6" <Ex. 6>,
"Trenti, Beth (EPW)" <Beth_Trenti@epw.senate.gov>
Subject: Monday meeting?

Hi Viktoria and Christian,

We were wondering if you all would like to bring in Ms. White and Mr. Wheeler to meet with majority staff and majority subcommittee staff directors on **Monday at 12 noon or 2:30?** This would be one final meeting to go over the hearing, have an informal q&a, and get the subcommittee staff directors focused and involved. Are you and the nominees available to meet at EPW at either of those times?

Best,

Matt

Matt Leggett
Chief Counsel
Ex. 6
--
U.S. Senate Committee on Environment and Public Works
Senator John Barrasso, Chairman

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 9/13/2017 12:49:07 PM
To: Wehrum, William L. [wwehrum@hunton.com]
Subject: Re: EPW Hearing 9/20

See you soon, it's 502 Hart. Apologies Aaron and I thought you were meeting us here.

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
Ex. 6

Sent from my iPhone

On Sep 13, 2017, at 8:42 AM, Wehrum, William L. <wwehrum@hunton.com> wrote:

> Just got a cab. Will see you there.
>
> On Sep 13, 2017, at 8:35 AM, Wehrum, William L. <wwehrum@hunton.com<mailto:wwehrum@hunton.com>> wrote:
>
> I'm in the breezeway outside the EPA north entrance. Did I miss the boat?
>
> On Sep 12, 2017, at 5:23 PM, Palich, Christian <palich.christian@epa.gov<mailto:palich.christian@epa.gov>> wrote:
>
> Hi Everyone,
>
> Attached is the latest schedule for the next two weeks, and below for your convenience I have put tomorrows schedule. We will all leave EPA tomorrow at 8:30am to head to the Hill. Have a great evening!
>
> *Dr. Dourson please note the meeting with Congressman Chabot we have added per your request.*
>
> Wednesday, September 13
> 9:00 AM- 9:30 AM DOURSON, ROSS & WEHRUM: Meeting with Senator Rounds (R-SD)
> Location: 502 Hart (Staff: Christian Palich and Aaron Ringel)
>
> 10:00 AM- 10:30 AM DOURSON: Meeting with Representative Steve Chabot
> Location 2371 Rayburn (Staff: Christian Palich and Aaron Ringel)
>
> 1:00 PM- 3:00 PM LEOPOLD: OGC Briefing
> Location: 4045 WJC North

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov<mailto:Palich.Christian@epa.gov>

From: Palich, Christian
Sent: Monday, September 11, 2017 5:33 PM
To: 'Dourson, Michael (doursoml)'
<doursoml@ucmail.uc.edu<mailto:doursoml@ucmail.uc.edu>>; 'David Ross'
<Ex. 6<mailto:Ex. 6>>;
'MLeopold@carltonfields.com<mailto:MLeopold@carltonfields.com>'
<MLeopold@carltonfields.com<mailto:MLeopold@carltonfields.com>>;
'wwehrum@hunton.com<mailto:wwehrum@hunton.com>'
<wwehrum@hunton.com<mailto:wwehrum@hunton.com>>
Cc: Lyons, Troy <lyons.troy@epa.gov<mailto:lyons.troy@epa.gov>>; Shimmin, Kaitlyn
<shimmin.kaitlyn@epa.gov<mailto:shimmin.kaitlyn@epa.gov>>; Ringel, Aaron
<ringel.aaron@epa.gov<mailto:ringel.aaron@epa.gov>>; Munoz, Charles
<munoz.charles@epa.gov<mailto:munoz.charles@epa.gov>>
Subject: RE: EPW Hearing 9/20

Hi Everyone,

Please see latest schedule for the week, but please note this can change and Kaitlyn is doing an excellent job of keeping a master calendar so we can keep everyone notified. For your convenience please see below for tomorrow's meeting schedule as well. Have a great evening and please let me know if you have any questions.

Tuesday, September 12

9:30 AM- 10:00 AM ROSS: Meeting with Senator Inhofe (R-OK)
Location: 205 Russell (Staff: Christian Palich)

10:45 AM- 11:15 PM ROSS & WEHRUM: Meeting with Senator Capito (R-WV)
Location: 172 Russell (Staff: Christian Palich & Aaron Ringel)

3:00 PM-3:30 PM DOURSON: Meeting with Senator Markey (D-MA)
Location: 255 Dirksen (Staff: Troy Lyons & Christian Palich)

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6

E: Palich.Christian@epa.gov<mailto:Palich.Christian@epa.gov>

From: Palich, Christian
Sent: Friday, September 8, 2017 4:30 PM
To: 'Dourson, Michael (doursoml)'
<doursoml@ucmail.uc.edu<mailto:doursoml@ucmail.uc.edu>>; 'David Ross'
<Ex. 6<mailto:Ex. 6>>;
'MLeopold@carltonfields.com<mailto:MLeopold@carltonfields.com>'
<MLeopold@carltonfields.com<mailto:MLeopold@carltonfields.com>>;
'wwehrum@hunton.com<mailto:wwehrum@hunton.com>'
<wwehrum@hunton.com<mailto:wwehrum@hunton.com>>
Cc: Lyons, Troy <lyons.troy@epa.gov<mailto:lyons.troy@epa.gov>>; Shimmin, Kaitlyn
<shimmin.kaitlyn@epa.gov<mailto:shimmin.kaitlyn@epa.gov>>; Ringel, Aaron
<ringel.aaron@epa.gov<mailto:ringel.aaron@epa.gov>>; Munoz, Charles
<munoz.charles@epa.gov<mailto:munoz.charles@epa.gov>>
Subject: EPW Hearing 9/20

Hi Everyone,

Congratulations on everyone's nominations becoming official, we are very excited to see everyone next week. Today we confirmed that the nominations hearing for the four of you will be on Wednesday September 20th with Senate EPW, most likely in the morning.

Please work with Charles Munoz (CCed) our EPA White House Liaison for travel needs if needed.

Enjoy the weekend and please let me know if you have any questions.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov<mailto:Palich.Christian@epa.gov>

<Senate Confirmed Nominee LxL 9.11.17.docx>

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 9/18/2017 1:17:02 PM
To: Wehrum, William L. [wwehrum@hunton.com]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]
Subject: RE: QFRs
Attachments: Mr. Billl Wehrum Nomination Hearing Opening Statement, OAR.PDF

Thanks for letting us know Bill. Also, wanted you to have the final PDF version of your opening statement which I will get to committee.

In good news as well, Senator Inhofe will be introducing you on Wednesday!

Thank you,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

From: Wehrum, William L. [mailto:wwehrum@hunton.com]
Sent: Friday, September 15, 2017 5:05 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Ringel, Aaron <ringel.aaron@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: RE: QFRs

Deliberative Process / Ex. 5

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Friday, September 15, 2017 4:52 PM
To: Wehrum, William L.
Cc: Ringel, Aaron; Palich, Christian
Subject: Re: QFRs

Thanks, Bill. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 (cell)

Sent from my iPhone

On Sep 15, 2017, at 4:09 PM, Wehrum, William L. <wwehrum@hunton.com> wrote:

Gentlemen – I have oral argument in a complex case in the DC Circuit on Tuesday, Sept. 26. From this morning's discussions, it sounds like QFRs will be due on or around that date. If that is the case, I will need an extra couple of days – hopefully until at least that Thursday – to respond. I will not have time to spend on the QFRs between the confirmation hearing and the oral argument.

<image001.jpg>

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Statement of William L. Wehrum
Nominated to Be Assistant Administrator, Office of Air and Radiation
U.S. Environmental Protection Agency

Chairman Barrasso, Ranking Member Carper, and members of the Committee, thank you for the opportunity to appear before you today as the nominee for the position of Assistant Administrator for the Office of Air and Radiation at the U.S. Environmental Protection Agency. I am honored that President Trump nominated me for this position.

As you may know, I previously was nominated in 2005 by President Bush for this position. Under Senator Inhofe's leadership, this Committee approved of my nomination at that time. I appreciate the opportunity to appear before you again.

President Trump and Administrator Pruitt have set a clear agenda that I intend to implement if confirmed to this position. The President has issued Executive Orders that will eliminate needless and burdensome regulations, simplify and streamline compliance obligations, and strike a better balance between the twin goals of protecting human health and the environment and promoting the economic vitality of the Nation.

Administrator Pruitt emphasized three key objectives in his remarks to this Committee during his confirmation hearing. First, we are a Nation of laws. He explained that "EPA's role is to administer those laws faithfully" and that the Agency should avoid the temptation to "bootstrap its own powers and tools through rulemaking."

Second, Administrator Pruitt committed that the Agency would acknowledge, respect, and promote the critical role of the states in implementing Federal environmental laws and in protecting human health and the environment. "Cooperative federalism" is one of the cornerstones of the Clean Air Act. In the very first section of the Act, Congress declares that "air

Sierra Club v. EPA 18cv3472 NDCA Tier 1 ED_002061_00152991-00001

pollution control at its source is the primary responsibility of States and local governments." Administrator Pruitt's commitment to state involvement carries out Congress's stated intent.

Third, Administrator Pruitt emphasized the important role that the public plays in the regulatory process. He said that "it is critical to me that EPA also truly listen to the diverse views of the American people, and learn from them." He rightly stated that "[w]e can simultaneously pursue the mutual goals of environmental protection and economic growth," but cautioned that "that can only happen if EPA listens – listens to the views of all interested stakeholders."

These are the goals and objectives that have been established by our leadership. I concur in them and, if confirmed, will do all I can to achieve them.

Mr. Chairman and members of the Committee, thank you again for the opportunity to appear before you. I am happy to answer any questions that you may have.