To: Rees, Sarah[rees.sarah@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Brown, Byron[brown.byron@epa.gov]
Cc: Nickerson, William[Nickerson.William@epa.gov]
From: Dravis, Samantha
Sent: Thur 4/6/2017 12:34:41 PM
Subject: RE: Regulatory Agenda - decisions

Ex. 5 - Deliberative Process, Attorney Client

From: Rees, Sarah
Sent: Wednesday, April 05, 2017 6:03 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Cc: Nickerson, William <Nickerson.William@epa.gov>
Subject: RE: Regulatory Agenda - decisions

OGC has a concern regarding ¢ **Ex. 5 - Deliberative Process, Attorney Client**

Ex. 5 - Deliberative Process, Attorney Client

I've asked OGC to write up their concern and supporting rationale and will forward. However, a

Ex. 5 - Deliberative Process

I will forward OGC's narrative when I get it.

From: Jackson, Ryan
Sent: Wednesday, April 05, 2017 1:49 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Cc: Nickerson, William <Nickerson.William@epa.gov>
Subject: RE: Regulatory Agenda - decisions

The Formaldehyde reg needs to Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process I'm ok with Ex. 5 - Deliberative Process

From: Dravis, Samantha
Sent: Wednesday, April 5, 2017 9:15 AM
To: Rees, Sarah <rees.sarah@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Cc: Nickerson, William <Nickerson.William@epa.gov>
Subject: RE: Regulatory Agenda - decisions
Importance: High

RJ:

We need to move on this, can you email back and let us know if you are OK with what Sarah has laid out below?

From: Rees, Sarah
Sent: Tuesday, April 4, 2017 6:13 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Cc: Nickerson, William <Nickerson.William@epa.gov>
Subject: Regulatory Agenda - decisions

Hi folks – as our meeting to loop back on the Regulatory Agenda was cancelled today, I am sending revised tables memorializing decisions/status of actions for the regulatory agenda that we discussed last week. A couple of items of note:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process, Attorney Client

•□□□□□□□□ OAR is Ex. 5 - Deliberative Process **Control of Air Pollution from Aircraft and Aircraft Engines; Proposed GHG Emissions Standards** Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Also, if you read through the full regulatory agenda stack and have questions/concerns – either about specific actions, or narrative descriptions, please let us know so that we can incorporate that into the materials.

My hope is to get at least something in draft form to Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Cheers,

Sarah

Sarah L. Rees, Ph.D.

Director, Office of Regulatory Policy & Management

US EPA – Office of Policy

(202) 564-1986 (o) | (202) 407-5074 (m)

To: Minoli, Kevin[Minoli.Kevin@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Hull, George[Hull.George@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Konkus, John[konkus.john@epa.gov]; Freire, JP[Freire.JP@epa.gov]
From: Dolph, Becky
Sent: Fri 3/31/2017 9:48:55 PM
Subject: Selected Incoming FOIAs -- week of 3/27/2017
Selected FOIA Requests. general. 03.27.2017.docx

The Agency received 304 FOIA requests from 3/25/2017 – 3/31/2017. Ex. 5 - Attorney Client
Ex. 5 - Attorney Client Please let me know if questions.

Becky Dolph | Director, FOIA Expert Assistance Team Office

U.S Environmental Protection Agency

Office of General Counsel | 7309B WJCN | 202-564-5771

Selected FOIA Requests – Week of 3/27/2017

FOIA #	Requester	Org.	Submitted	Assigned	Synopsis
EPA-HQ-2017-005286	Robert Faturechi	ProPublica	03/24/20	Ex. 5 - Deliberative Process, Attorney Client	
EPA-HQ-2017-005320	Emily C. Atkin	New Republic	03/27/20		
EPA-HQ-2017-005324	Dawn Reeves	Inside EPA	03/27/20		

				Ex. 5 - Deliberative Process, Attorney Client
EPA-R5-2017-005337	Bruce White	Barnes & Thornburg LLP	03/27/20	
EPA-HQ-2017-005338	Sam Pearson	Bloomberg BNA	03/27/20	
EPA-HQ-2017-005346	Greg Wallace	CNN	03/27/20	
EPA-HQ-2017-005347	Greg Wallace	CNN	03/27/20	
EPA-HQ-2017-005348	Greg Wallace	CNN	03/27/20	
EPA-HQ-2017-005349	Hudson Munoz		03/27/20	

				Ex. 5 - Deliberative Process, Attorney Client
EPA-HQ-2017-005351	Hudson Munoz		03/27/201	

				Ex. 5 - Deliberative Process, Attorney Client
EPA-R4-2017-005353	Dennis J. Pillion	Alabama Media Group	03/27/201	

				Ex. 5 - Deliberative Process, Attorney Client
EPA-HQ-2017-005357	Dawn Reeves	Inside EPA	03/27/201	
EPA-HQ-2017-005364	Allan L. Blutstein	America Rising	03/27/201	
EPA-R1-2017-005368	Kaydee Donohoo		03/27/201	
EPA-R3-2017-005375	Allan L. Blutstein	America Rising	03/28/201	
EPA-R9-2017-005393	Allan L. Blutstein	America Rising	03/28/201	
EPA-HQ-2017-005401	Josh Dawsey	Politico	03/28/201	
EPA-R8-2017-	Allan L. Blutstein	America Rising	03/28/201	

005403				
EPA-HQ-2017-005404	Daniel Van Schooten	Project On Government Oversight	03/28/20	
EPA-R7-2017-005406	Allan L. Blutstein	America Rising	03/28/20	
EPA-R10-2017-005407	Allan L. Blutstein	America Rising	03/28/20	
EPA-R1-2017-005411	Allan L. Blutstein	America Rising	03/28/20	
EPA-R2-2017-005412	Allan L. Blutstein	America Rising	03/28/20	
EPA-R4-2017-005413	Allan L. Blutstein	America Rising	03/28/20	
EPA-HQ-2017-005415	Allan L. Blutstein	America Rising	03/28/20	
EPA-HQ-2017-005424	David Shepardson	Reuters	03/28/20	
EPA-	Allan L.	America	03/29/20	

Ex. 5 - Deliberative Process, Attorney Client

R5-2017-005435	Blutstein	Rising		V
EPA-HQ-2017-005444	Josh Israel	Think Progress/ Muckrock	03/29/201	A
EPA-HQ-2017-005445	Josh Israel	Think Progress/ Muckrock	03/29/201	A

Ex. 5 - Deliberative Process, Attorney Client

Ex. 5 - Deliberative Process, Attorney Client

EPA-HQ-2017-005446	Ryan Koronowski	Think Progress/ Muckrock	03/29/20
EPA-HQ-2017-005450	Jesse M. Seidman	Vice Media	03/29/20
EPA-HQ-2017-005451	Nicholas P. Surgey	Center for Media and Democracy/ The Intercept.	03/29/20
EPA-HQ-2017-005476	David Schultz	Bloomberg BNA	03/29/20

Ex. 5 - Deliberative Process, Attorney Client

EPA-HQ-2017-005477	Ben Lefebvre	Politico	03/29/20	U I
EPA-HQ-2017-005482	Rachael Tackett	News Media	03/29/20	N S
EPA-R5-2017-005485	Sam Pearson	Bloomberg BNA	03/29/20	F
EPA-HQ-2017-005504	Anne L. Weismann	CREW	03/30/20	C F C
EPA-HQ-2017-005506	Rachel Leven	BNA	03/30/20	F

Ex. 5 - Deliberative Process, Attorney Client

EPA-HQ-2017-005509	Sam Pearson	Bloomberg BNA	03/30/20	
EPA-HQ-2017-005517	Margaret Townsend	Center for Biological Diversity	03/30/20	
EPA-HQ-2017-005541	Jarrod Sharp		03/30/20	
EPA-HQ-2017-005542	Jarrod Sharp		03/30/20	
EPA-HQ-2017-005544	Jarrod Sharp		03/30/20	
EPA-HQ-2017-005548	Kevin Bogardus	E&E News	03/30/20	

Ex. 5 - Deliberative Process, Attorney Client

EPA-HQ-2017-005549	Jason Leopold	BuzzFeed News	03/30/20
EPA-HQ-2017-005550	Ryan Beene	Bloomberg News	03/30/20
EPA-HQ-2017-005552	Madison R. Alder	Arizona State University	03/30/20
EPA-HQ-2017-005553	Ryan Koronowski	Muckroc	03/30/20

Ex. 5 - Deliberative Process, Attorney Client

EPA-HQ-2017-005554	Kevin Bogardus	E&E News	03/30/26
EPA-HQ-2017-005555	Kevin Bogardus	E&E News	03/30/26
EPA-HQ-2017-005569	Kevin Bogardus	E&E News	03/31/26
EPA-HQ-2017-005574	Ed Beeson	Law360	03/31/26

Ex. 5 - Deliberative Process, Attorney Client

EPA-HQ-2017-005576	Ed Beeson	Law360	03/31/20	
EPA-HQ-2017-005577	Timothy Cama	The Hill	03/31/20	
EPA-HQ-2017-005581	Sarah Lamdan	Muckroc	03/31/20	

Ex. 5 - Deliberative Process, Attorney Client

EPA-HQ-2017-005582	Rebecca Leber	Mother Jones	03/31/20
EPA-HQ-2017-005586	Hannah Hess	E&E News	03/31/20
EPA-HQ-2017-005587	Benjamin Levitan	Environmental Defense Fund	03/31/20

Ex. 5 - Deliberative Process, Attorney Client

To: Schwab, Justin[schwab.justin@epa.gov]
Cc: Wilcox, Jahan[wilcox.jahan@epa.gov]; Konkus, John[konkus.john@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]
From: Freire, JP
Sent: Thur 4/13/2017 4:00:45 PM
Subject: Re: FOR APPROVAL: PEER press release

I'd like to do more.

J.P. Freire
Environmental Protection Agency
Associate Administrator for Public Affairs
Mobile: (202) 309-6781

On Apr 13, 2017, at 11:56 AM, Schwab, Justin <schwab.justin@epa.gov> wrote:

Ex. 5 - Deliberative Process, Attorney Client

Sent from my iPhone

On Apr 13, 2017, at 11:47 AM, Freire, JP <Freire.JP@epa.gov> wrote:

Ex. 5 - Deliberative Process

J.P. Freire
Environmental Protection Agency
Associate Administrator for Public Affairs
Mobile: (202) 309-6781

On Apr 13, 2017, at 11:37 AM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

FOR APPROVAL: **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

From: Konkus, John

Sent: Thursday, April 13, 2017 10:57 AM
To: Freire, JP <Freire.JP@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Graham, Amy <graham.amy@epa.gov>
Subject: PEER press release

Ex. 5 - Deliberative Process

For Immediate Release: Apr 13, 2017
Contact: Kirsten Stade (202) 265-7337

EPA'S PRUITT SUED TO BACK UP CLIMATE CHANGE CLAIMS

Pruitt Should Put Up Evidence Supporting Stance or Cease Climate Denials

Posted on Apr 13, 2017 | Tags: **climate**, **EPA**

Washington, DC — A lawsuit filed today seeks the data that U.S. Environmental Protection Agency Administrator Scott Pruitt relied upon in making statements that human activity is not a "primary contributor" to climate change. The Freedom of Information Act (FOIA) lawsuit by Public Employees for Environmental Responsibility (PEER) also seeks to determine whether EPA possesses a single study that supports Mr. Pruitt's stance.

In a March 9, 2017 interview on CNBC's "Squawk Box," Pruitt stated that as to carbon dioxide created by human activity "I would not agree that it's a primary contributor to the global warming that we see." He also said "there's a tremendous disagreement about of the impact" of "human activity on the climate…."

The next day PEER filed a FOIA request asking to see the studies upon which Pruitt based his claim and also to see if there is any EPA scientific finding that human activity is not the largest factor driving global climate change. Notably, EPA's own climate change webpage cites as "basic information" that:

"Humans are largely responsible for recent climate change. Over the past century, human activities have released large amounts of carbon dioxide and other greenhouse gases into the atmosphere. The majority of greenhouse gases come from burning fossil fuels to produce energy, although deforestation, industrial processes, and some agricultural practices also emit gases into the atmosphere."

"This lawsuit tells Mr. Pruitt to put or shut up – produce his evidence or stop spouting deceptive climate pseudo-science," stated PEER Staff Counsel Adam Carlesco who filed suit after EPA failed to produce the requested materials within FOIA's statutory deadlines. "His confirmation as EPA Administrator does not entitle Mr. Pruitt to ignore existing agency research and proclaim his own set of alternative facts."

Additionally, his statements are contrary to official EPA policy as articulated in the agency's EPA's 2009 Endangerment Finding, which declares that carbon dioxide is a primary contributor to climate change, endangering the public health and welfare. This finding was based on a comprehensive review of available science and still remains EPA's official policy.

"Mr. Pruitt spoke on television in his official capacity and must do so in a manner that honestly represents EPA's scientific findings," added Carlesco, noting that any other EPA employee would be subject to disciplinary action for presenting personal views as official policy. "Even if Mr. Pruitt is presenting his personal opinion, he must specify that he is not speaking for the agency – a disclaimer he did not make."

EPA's Scientific Integrity Policy requires all employees to "communicate science with honesty, integrity, and transparency" and enjoins employees to "not knowingly misrepresent, exaggerate, or downplay areas of scientific uncertainty." Last month, the Sierra Club filed a formal complaint that Pruitt's "Squawk Box" statements violate this policy. Pruitt, however, has not committed to respect EPA's Scientific Integrity Policy. Meanwhile, agency employees report concerns that Administrator Pruitt will order a purge of EPA scientific work that conflicts with his political positions.

###

Read the PEER lawsuit

View EPA climate change webpage

Look at Trump's unresolved scientific integrity dilemma

See EPA's Scientific Integrity Policy

To: Schwab, Justin[schwab.justin@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]
Cc: Konkus, John[konkus.john@epa.gov]
From: Bowman, Liz
Sent: Tue 4/4/2017 7:57:03 PM
Subject: FW: EPA endangerment petitions

Ex. 5 - Deliberative Process, Attorney Client

Ex. 5 - Deliberative Process, Attorney Client The following is the statement we have used to respond to questions on the endangerment finding… Ex. 5 - Deliberative Process, Attorney Client

Ex. 5 - Deliberative Process, Attorney Client

EPA has received numerous petitions which require serious consideration – this one is no different. Certainly there have been concerns raised over the endangerment finding the previous Administration outright dismissed. Administrator Pruitt encourages the exchange of ideas and is committed to a robust and honest dialogue on the science related to climate change.

From: Michael Bastasch [mailto:mike@dailycallernewsfoundation.org]
Sent: Tuesday, April 4, 2017 1:27 PM
To: Press <Press@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>
Subject: Re: EPA endangerment petitions

Hey,

I was wondering if I could expect a response to this?

Mike

On Tue, Apr 4, 2017 at 10:15 AM, Michael Bastasch <mike@dailycallernewsfoundation.org> wrote:

Hi,

I saw there are at least two petitions at EPA to reopen the endangerment finding for greenhouse gases that were filed after President Trump issued an executive order to review the Clean Power Plan.

I was wondering if EPA planned on reviewing those petitions, and, if so, what is the timeline for that? Please let me know ASAP. Thanks!

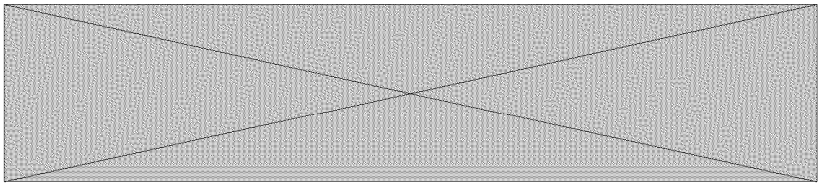
Best,

Mike

--

Michael Bastasch

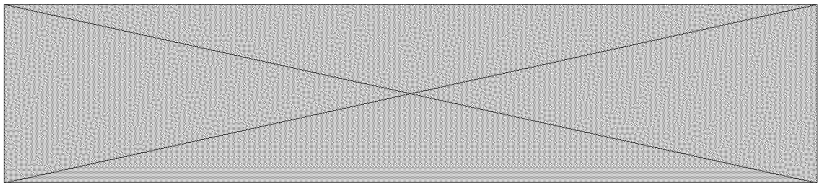
Daily Caller News Foundation



--

Michael Bastasch

Daily Caller News Foundation



To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Ex. 6 - Personal Privacy D Hedke persona email
Sent: Fri 5/5/2017 3:23:34 AM
Subject: Re: Open letter to Ivanka Trump from Joseph Bast

Samantha,

I have a fairly open schedule next week, so please give me a couple of time slots, and we will make this work.

Thank you so much for the opportunity to drill down on this a bit further.

Sincerely,

Dennis
---- "Dravis wrote:

==========
Thank you for this.

I'd like to set up a call with you next week.

Sent from my iPhone

> On May 4, 2017, at 2:12 PM Ex. 6 - Personal Privacy D Hedke persona email wrote:
>
> Dear Samantha,
>
> I hope this finds you well and enjoying your expanding endeavors at EPA.
>
> In the event you have not seen the article below, appearing in today's American Spectator, I encourage you to take a look at your earliest convenience.
>
> In addition, I humbly suggest that if he is not already doing so, the names that Administrator Pruitt really needs to listen to regarding anything related to Climate issues are people like:
>
> Dr. Willie Soon, Astrophysicist at the Harvard-Smithsonian Center for Astrophysics;
> Dr. Richard Lindzen, Physicist, Massachusetts Institute of Technology;
> Dr. Will Happer, Physicist, Princeton University;
> Dr. John Christy, Alabama State Climatologist, Director of the Earth Science Systems Center (ESSC), University of Alabama-Huntsville; Dr. Roy Spencer, former NASA lead scientist regarding implementation of weather satellite systems, now also at ESSC;
> Dr. Patrick Michaels, former Virginia State Climatologist and Professor of Environmental Science at the University of Virginia, my second alma mater, currently at the Cato Institute;
> J. Dr. Christopher Horner, Attorney, Competitive Enterprise Institute
>
> These men are absolutely stalwarts in advancing fundamental understanding of earth's climate, as well as superb contributors regarding the advancement of appropriate policy related to U.S. and global matters of Environmental Stewardship. I could list many more, but this short list has been invaluable to me for many years.
>
> Thank you and I hope this adds to your perspective related to moving our policy where it desperately needs to go.
>
> Sincerely,
>

> Dennis Hedke
> Consulting Geophysicist
> Past Chairman, Energy & Environment Committee, Kansas House of Representatives
> --
>
>
>
> ==========
> From: Joseph Bast <JBast@heartland.org>
> Subject: Open letter to Ivanka Trump from Joseph Bast
> Date: Thu, 4 May 2017 16:47:52 +0000
>
> American Spectator ran my "open letter to Ivanka Trump" on climate change today. The comments are pretty funny, too.
>
> Joe
>
>
> https://spectator.org/296756-2/
>
> From the Heartland
> Open Letter to Ivanka Trump: Serve Your Father by Relying on Scientists,
> Not Celebrities Who Push Climate Calamity
> By Joseph L. Bast<https://spectator.org/bio/joseph-l-bast/>
> NOTE: The following is a letter Heartland Institute President Joseph Bast sent to Ivanka Trump, top advisor to president Donald Trump. As of today, he has received no response.
> Dear Ms. Trump,
> Recent news stories report your interest in the climate change issue. I share your deep concern over the future of our planet — it's an unbelievably beautiful and precious thing, something we must cherish and protect for all of Earth's creatures and for future generations.
> I am writing to urge you to proceed carefully as you explore this subject, because those who claim climate change requires "immediate action" to reduce greenhouse gas emissions, or even "transforming the world's economic system," have often misrepresented the science and economics of this issue.
> My organization, The Heartland Institute<http://heartland.org/>, is a national nonprofit organization that has been making the case for conservative and libertarian ideas since its founding in 1984. Many members of the Trump transition team are familiar with our work on climate change and other topics.
> The Heartland Institute is "the world's most prominent think tank supporting skepticism of man-made climate change" (according to The Economist). We have published more books, policy studies, and commentaries on the topic than any other free-market think tank in the world (according to the scientific journal Global Environmental Change). We are one of the top ten free-market think tanks in the world (according to TheBestSchools.org).
> The truth is that climate change does not require that we reduce energy consumption or replace fossil fuels with alternative energies.
> Your father is right when he questions whether global warming is a genuine "crisis" or a product of hype and exaggeration by various interest groups. He is also right to suggest that the issue is being used to extort money from the United States, handicap American businesses, and undermine our economic growth and prosperity.
> Claims That Global Warming Is Already Happening
> The popular "evidence" that man-made global warming is already happening and is harmful consists mostly of images of melting ice, heat waves, hurricanes, and rising tides. These images appeared in Al Gore's movie, An Inconvenient Truth, and more recently in Leonardo DiCaprio's movie Before the Flood.
> Politicians and celebrities sometimes travel to the Arctic and come back saying they have "seen global warming," that "it is real and already happening." But these images and claims are highly misleading. You can't see man-made climate change. Climate is "average weather" over the course of at least 30 years. Extreme weather is always occurring sometime around the world, and always has and always will.
> Observing extreme weather events can't tell us whether the climate is changing, or what might be

causing changes in weather or climate. For that, we need to view long-term trends, and even then we need to control for known climate cycles and natural variability.
> Simply put, there simply is no hard scientific evidence that potentially harmful warming is happening. Dr. Benjamin Zycher, a scholar at the American Enterprise Institute, wrote in 2014 a short and accurate summary of research on long-term trends in extreme weather:
>
> · There has been no temperature<http://www.drroyspencer.com/latest-global-temperatures/> trend over the last 15 years<http://www.ncdc.noaa.gov/monitoring-references/faq/anomalies.php>, notwithstanding the predictions<http://www.drroyspencer.com/2013/06/still-epic-fail-73-climate-models-vs-measurements-running-5-year-means/> of the models.
>
> · The past two years have set a record for the fewest tornadoes<http://www.norman.noaa.gov/2013/05/low-tornado-numbers-and-low-tornado-deaths-may-2012-april-2013/> ever in a similar period, and there has been no trend<http://www1.ncdc.noaa.gov/pub/data/cmb/images/tornado/clim/EF3-EF5.png> in the frequency of strong (F3 to F5) tornadoes in the United States since 1950.
>
> · The number of wildfires<http://wattsupwiththat.com/2012/06/28/what-global-warming-really-looks-like-michael-oppenheimer-fail/> is in a long-term decline.
>
> · It has been eight years since a Category 3 or higher hurricane landed<http://www1.ncdc.noaa.gov/pub/data/images/2011-Landfalling-Hurricanes-11x17.pdf> on a U.S. coast; that long a period devoid of an intense hurricane landfall has not been observed since 1900. The 2013 Atlantic hurricane season<http://www.nhc.noaa.gov/2013atlan.shtml> was the least active in 40 years, with zero<http://www.accuweather.com/en/weather-news/2013-atlantic-hurricane-season/20467725> major hurricanes.
>
> · There has been no trend<http://sciencepolicy.colorado.edu/admin/publication_files/2012.04.pdf> in the frequency or intensity of tropical cyclones, and tropical cyclone energy<http://policlimate.com/tropical/> is near its lowest level since reliable measurements began by satellite in the 1970s.
>
> · There is no long-term trend in sea-level<http://tidesandcurrents.noaa.gov/sltrends/MSL_global_trendtablefc.html> increases. The record of changes in the size of the Arctic ice cover<http://www.worldclimatereport.com/index.php/2011/03/10/amazing-arctic-reconstructions/> is far more ambiguous than often asserted, because the satellite measurements began at the outset of the warming period from roughly 1980 through 1998.
>
> · The Palmer Drought Severity Index<http://www.cpc.ncep.noaa.gov/products/monitoring_and_data/drought.shtml> shows no trend since 1895. Flooding in the United States over the last century has not been correlated<http://www.tandfonline.com/doi/abs/10.1080/02626667.2011.621895>with increases in greenhouse gas concentrations.
> Zycher's summary is supported by the sources he cites as well as four hefty volumes in the Climate Change Reconsidered series produced by the Nongovernmental International Panel on Climate Change (NIPCC<http://www.climatechangereconsidered.org/>) and published by The Heartland Institute. The NIPCC series is credible: It has been cited in more than 100 peer-reviewed articles. The Chinese Academy of Sciences thought so highly of it that it translated the first two volumes into Mandarin Chinese and published a condensed edition<https://www.heartland.org/publications-resources/publications/chinese-translation-of-climate-change-reconsidered> in 2013.
> So no, there simply is no hard evidence that man-made climate change is already occurring or that it is bad. You should immediately suspect the credibility (or sincerity) of anyone who claims otherwise. They are using scare tactics to get you to think a certain way.
> Appeals to Authority
> Those who say global warming is a crisis ask you to believe the opinions of "experts" who, upon closer

inspection, are unqualified, speaking outside their areas of expertise, or biased. For example, Al Gore, Leonardo DiCaprio, Bill McKibben, Bill Gates, and Naomi Orestes are not scientists. Senator Gore was flunking undergraduate physics at Harvard when he dropped out of that class.
> President Obama's claim in 2014 that "97% of scientists agree: climate change is real, man-made and dangerous" is not supported by any credible survey or science literature review. NASA, on its website, cites four sources for this claim: two are essays written by college students, one literature review by a socialist historian, and the fourth one a literature review by an Australian blogger.
> See Why Scientists Disagree about Global Warming<https://www.heartland.org/news-opinion/news/why-scientists-disagree-about-global-warming> for a full critique of each of these sources, and a summary of more reliable surveys and literature reviews that find extensive disagreement. A copy of that book is enclosed.
> Alarmists often cite the reports of the United Nations' Intergovernmental Panel on Climate Change (IIPCC), but this is a political, not a scientific, organization. It conducts no original climate research. Its reports are not subject to traditional peer review, and they have become compilations of anecdotal evidence in support of a pre-ordained conclusion. That is not science. See the Nongovernmental International Panel on Climate Change'stestimony to the British Parliament<http://data.parliament.uk/writtenevidence/WrittenEvidence.svc/EvidenceHtml/4288> critiquing the latest IPCC report.
> Finally, those who say global warming is a crisis often claim that those who disagree with them are either "paid shills of the oil industry" or part of a "vast right-wing conspiracy" that puts economic growth and profits ahead of protecting the environment. Both claims are false.
> Al Gore created the myth that global warming skeptics are paid by industry to "sow doubt," although he falsely claims it was discovered by a former reporter named Ross Gelbspan. There is no evidence of any "skeptic" ever being paid to lie about climate science or its impacts. See Russell Cook's excellent report on this myth titled Merchants of Smear<https://www.heartland.org/publications-resources/publications/merchants-of-smear>.
> Once you look at the underlying science — the same sort of number crunching you would perform for a complicated business transaction — you will discover there is no scientific case for reducing our use of fossil fuels.
> The Science, by the Numbers
> Here are the key numbers you need to know to understand the climate change issue:
> 0.04% The concentration of carbon dioxide in the atmosphere, that's about 400 parts per million. In the past century it has only gone up by 0.01 percentage point. Carbon dioxide concentrations have risen and fallen before, in pre-industrial eras, without causing climate to change.
> 1.0 — 1.5C Climate sensitivity, the change in global temperature likely to result from a doubling of carbon dioxide in the atmosphere from pre-industrial levels. We are already half-way to such a doubling, so the warming in the coming century even assuming the alarmists in the debate are right and are not exaggerating, is likely to be too small be to noticeable against natural climate cycles and variability.
> 1 — 2 mm The long-term annual rise in sea level, since the end of the last Ice Age, which has not increased in the 21st century. This is too small to merit efforts to slow or stop global warming. Claims that sea level is rising faster are based on cherry-picked data sets and fail to take into account land subsidence in some coastal areas.
> 0.06C The reduction in global temperature that would be achieved by the year 2100 if the U.S. reduced its emissions by 40%, just six one-hundredths of one degree. This is too little to warrant the enormous cost — trillions of dollars — of replacing fossil fuels with renewable energy.
> $3,900 The annual per-family cost of Obama's global warming policies, according to a study<http://www.freerepublic.com/focus/f-news/2237947/posts> by the Massachusetts Institute of Technology.
> $27 billon How much federal agencies plan to spend on global warming-related programs in 2017.
> What Should We Do?
> We should all do our share to protect the environment. But the campaign to reduce energy use or to switch from fossil fuels to solar and wind power is not about protecting the environment. It's about something else.
> Since climate is always changing due to natural causes, we should invest in resiliency (hardening infrastructure) and adaptation. Trying to stop global warming from occurring is not necessary, nor is it the best way to protect the environment.

> Climate change is a small and remote threat, at best. We probably cannot slow or stop it even if we try. And the cost of ending our primary reliance on fossil fuels is astronomical.
> My organization, The Heartland Institute, recommends<https://www.heartland.org/publications-resources/publications/action-plan-for-president-trump> your father's administration take the following steps regarding climate change:
>
> * Create a President's Council on Climate Change, modeled after the President's Council on Bioethics<https://bioethicsarchive.georgetown.edu/pcbe/reports/past_commissions/> created by President George W. Bush in 2001 (and sunset in 2009), charged with cutting through the politics and bias that infected climate science and policymaking during the Obama administration and advising the President on what policies to repeal and what policies to pursue.
> * Withdraw from the United Nations Framework Convention on Climate Change and the more recent Paris Accord and end funding for the United Nations' biased climate change programs, in particular the Intergovernmental Panel on Climate Change (IPCC) and Green Climate Fund.
> * Replace EPA<https://www.heartland.org/publications-resources/publications/replacing-the-environmental-protection-agency?source=policybot> with a Committee of the Whole composed of the 50 state environmental quality agencies. Those agencies already have primary responsibility for implementing environmental laws passed by Congress and regulations written by EPA.
> * Withdraw and suspend implementation of the Endangerment Finding<https://www.heartland.org/publications-resources/publications/comments-in-response-to-epas-anpr-entitled-regulating-greenhouse-gas-emissions-under-the-clean-air-act> for Greenhouse Gases<https://www.heartland.org/publications-resources/publications/comments-of-the-heartland-institute-in-response-to-proposed-endangerment-and-cause-or-contribute-findings-for-greenhouse-gases> and the Clean Power Plan.
> Please don't hesitate to contact me if you have any questions. While not a scientist myself, I have had the privilege of working with the Nongovernmental International Panel on Climate Change (NIPCC), an international team of independent climate scientists whose research supports the various statements made above, and who are willing to pitch in and help your father set a new course for climate policy in the years ahead.
> Thank you for your concern and for your openness to differing opinions on this important issue.
> Sincerely,
>
> Joseph L. Bast
> President
>
> ==========

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May eternal liberty find its way into the smallest crevices of each and every civilization on the face of the earth. Let Freedom reign.

Dennis Hedke

Selected FOIA Requests – Week of 3/27/2017

FOIA #	Requester	Org.	Submitted	Assigned	Synopsis
EPA-HQ-2017-005286	Robert Faturechi	ProPublica	03/24/2017	Ex. 5 - Deliberative Process, Attorney Client	
EPA-HQ-2017-005320	Emily C. Atkin	New Republic	03/27/2017		
EPA-HQ-2017-005324	Dawn Reeves	Inside EPA	03/27/2017		
EPA-R5-2017-005337	Bruce White	Barnes & Thornburg LLP	03/27/2017		
EPA-HQ-2017-005338	Sam Pearson	Bloomberg BNA	03/27/2017		
EPA-HQ-2017-005346	Greg Wallace	CNN	03/27/2017		
EPA-HQ-	Greg Wallace	CNN	03/27/2017		

bdolph

2017-005347				Ex. 5 - Deliberative Process, Attorney Client
EPA-HQ-2017-005348	Greg Wallace	CNN	03/27/2017	
EPA-HQ-2017-005349	Hudson Munoz		03/27/2017	
EPA-HQ-2017-005351	Hudson Munoz		03/27/2017	

EPA-R4-2017-005353	Dennis J. Pillion	Alabama Media Group	03/27/2017
EPA-HQ-2017-005357	Dawn Reeves	Inside EPA	03/27/2017
EPA-HQ-	Allan L.	America	03/27/2017

Ex. 5 - Deliberative Process, Attorney Client

2017-005364	Blutstein	Rising	
EPA-R1-2017-005368	Kaydee Donohoo		03/27/2017
EPA-R3-2017-005375	Allan L. Blutstein	America Rising	03/28/2017
EPA-R9-2017-005393	Allan L. Blutstein	America Rising	03/28/2017
EPA-HQ-2017-005401	Josh Dawsey	Politico	03/28/2017
EPA-R8-2017-005403	Allan L. Blutstein	America Rising	03/28/2017
EPA-HQ-2017-005404	Daniel Van Schooten	Project On Government Oversight	03/28/2017
EPA-R7-2017-005406	Allan L. Blutstein	America Rising	03/28/2017
EPA-R10-2017-005407	Allan L. Blutstein	America Rising	03/28/2017
EPA-R1-2017-005411	Allan L. Blutstein	America Rising	03/28/2017
EPA-R2-2017-005412	Allan L. Blutstein	America Rising	03/28/2017
EPA-R4-2017-	Allan L.	America	03/28/2017

Ex. 5 - Deliberative Process, Attorney Client

005413	Blutstein	Rising	
EPA-HQ-2017-005415	Allan L. Blutstein	America Rising	03/28/2017
EPA-HQ-2017-005424	David Shepardson	Reuters	03/28/2017
EPA-R5-2017-005435	Allan L. Blutstein	America Rising	03/29/2017
EPA-HQ-2017-005444	Josh Israel	Think Progress/ Muckrock	03/29/2017
EPA-HQ-2017-005445	Josh Israel	Think Progress/ Muckrock	03/29/2017

Ex. 5 - Deliberative Process, Attorney Client

				Ex. 5 - Deliberative Process, Attorney Client
EPA-HQ-2017-005446	Ryan Koronowski	Think Progress/ Muckrock	03/29/2017	
EPA-HQ-2017-005450	Jesse M. Seidman	Vice Media	03/29/2017	

EPA-HQ-2017-005451	Nicholas P. Surgey	Center for Media and Democracy/ The Intercept.	03/29/2017	
EPA-HQ-2017-005476	David Schultz	Bloomberg BNA	03/29/2017	
EPA-HQ-2017-005477	Ben Lefebvre	Politico	03/29/2017	
EPA-HQ-2017-005482	Rachael Tackett	News Media	03/29/2017	
EPA-R5-2017-005485	Sam Pearson	Bloomberg BNA	03/29/2017	
EPA-HQ-2017-005504	Anne L. Weismann	CREW	03/30/2017	
EPA-HQ-2017-005506	Rachel Leven	BNA	03/30/2017	

Ex. 5 - Deliberative Process, Attorney Client

				Ex. 5 - Deliberative Process, Attorney Client
EPA-HQ-2017-005509	Sam Pearson	Bloomberg BNA	03/30/2017	
EPA-HQ-2017-005517	Margaret Townsend	Center for Biological Diversity	03/30/2017	
EPA-HQ-2017-005541	Jarrod Sharp		03/30/2017	
EPA-HQ-2017-005542	Jarrod Sharp		03/30/2017	
EPA-HQ-2017-005544	Jarrod Sharp		03/30/2017	
EPA-HQ-2017-005548	Kevin Bogardus	E&E News	03/30/2017	

				Ex. 5 - Deliberative Process, Attorney Client
EPA-HQ-2017-005549	Jason Leopold	BuzzFeed News	03/30/2017	
EPA-HQ-2017-005550	Ryan Beene	Bloomberg News	03/30/2017	
EPA-HQ-2017-005552	Madison R. Alder	Arizona State University	03/30/2017	
EPA-HQ-2017-005553	Ryan Koronowski	Muckrock	03/30/2017	
EPA-HQ-2017-005554	Kevin Bogardus	E&E News	03/30/2017	
EPA-HQ-	Kevin	E&E News	03/30/2017	

2017-005555	Bogardus			Ex. 5 - Deliberative Process, Attorney Client
EPA-HQ-2017-005569	Kevin Bogardus	E&E News	03/31/2017	
EPA-HQ-2017-005574	Ed Beeson	Law360	03/31/2017	
EPA-HQ-2017-005576	Ed Beeson	Law360	03/31/2017	
EPA-HQ-2017-005577	Timothy Cama	The Hill	03/31/2017	

EPA-HQ-2017-005581	Sarah Lamdan	Muckrock	03/31/2017	
EPA-HQ-2017-005582	Rebecca Leber	Mother Jones	03/31/2017	
EPA-HQ-2017-005586	Hannah Hess	E&E News	03/31/2017	
EPA-HQ-2017-005587	Benjamin Levitan	Environmental Defense Fund	03/31/2017	

Ex. 5 - Deliberative Process, Attorney Client

To: Schnare, David[schnare.david@epa.gov]
From: Ex. 6 - D. Schnare Personal Email
Sent: Wed 2/22/2017 12:49:17 AM
Subject: Fwd: Endangerment finding process
RM-response.GHG Endangerment Finding Redux.docx

Sent from my iPad

Begin forwarded message:

From: Ross McKitrick <Ex. 6 - Personal Privacy
Date: February 21, 2017 at 11:53:23 AM EST
To: David Schnare Ex. 6 - Personal Privacy Marlo Lewis <Mlewis@cei.org>
Subject: Re: Endangerment finding process

Please see attached.
Ross

On 2017-02-20 3:53 PM, David Schnare wrote:

I'd like your private comments on the attached. Please do not forward this to anyone and please do not discuss it with others.
David

--
David W. Schnare, Esq. Ph.D.

To: Schnare, David[schnare.david@epa.gov]
From: David Schnare
Sent: Mon 2/20/2017 8:54:18 PM
Subject: Redux
GHG Endangerment Finding Redux.docx
Virelli criteria applied to Endangerment Finding.docx

--
David W. Schnare, Esq. Ph.D.

To: Schnare, David[schnare.david@epa.gov]
From: Ex. 6 - D. Schnare Personal Email
Sent: Sat 1/28/2017 2:02:01 AM
Subject: Fwd: My new blog post recommending petitions to EPA to revoke the GHG Endangerment Finding FYI

Sent from my iPad

Begin forwarded message:

From: Alan Carlin <Ex. 6 - Personal Privacy
Date: January 27, 2017 at 5:30:47 PM EST
To: Myron Ebell <Myron.Ebell@cei.org>, David Schnare <Ex. 6 - Personal Privacy, Marc Morano <morano@climatedepot.com>, Kenneth Haapala <Ken@haapala.com>
Subject: My new blog post recommending petitions to EPA to revoke the GHG Endangerment Finding FYI

http://www.carlineconomics.com/archives/3368

Alan Carlin

SOME NOTES (Interspersed comments follow)

Identifying the questions
There are three distinct questions here. (1) Is there a case for the EF to be reconsidered? (2) If a reconsideration is undertaken, can it be shown that key evidence on which it was originally based has weakened or changed? (3) If a new EF were considered, would a finding of non-endangerment be a likely outcome?

In my view the answers are as follows.

(1) Yes, the document sets out ample reasons to reconsider, including the receipt of petitions, Administrative direction, Congressional requests and the failure to deal with the IG findings.

(2) Yes, this would be straightforward. Some key lines of evidence in the TSD have been overturned. Three come immediately to mind: The absence of the tropical hotspot, evidence of contamination of the surface temperature record, and new evidence of low climate sensitivity. Regarding the first two, EPA staff ignored relevant evidence available at the time, and since even then more has been published that undermines the position taken in the TSD. Regarding the third, there is ample new evidence that points to materially lower climate sensitivity than that assumed in climate models and this directly affects Social Cost of Carbon calculations in such a way that calls into question whether the SCC is even a positive number. On this point, my paper with Kevin Dayaratna and David Kreutzer, which we presented at Heritage last week, has just been accepted for publication at the peer-reviewed journal *Climate Change Economics*. The IWG has completely ignored this issue so their work can't be cited in response, and likewise the NAS panel didn't deal with this issue.

(3) In my view yes, it would be straightforward to pass the reasonableness test, and to do so while avoiding any appearance of arbitrary or capricious action. The document you have provided sets forth a procedure that appears adequate to withstand judicial challenge. However, even if a court were to remand a finding of non-endangerment, I believe that Sct 202(b) would allow the Administrator to suspend action indefinitely, based on the following point.

Inconsistency between the alleged harm and the proposed remedy
The greens exploited the looseness of the phrase "cause or contribute" to their advantage, but Sct. 202(b) might be used to turn the looseness against them. They exploited the wording to say that while CO_2 is not itself harmful, there is harm connected to future warming. But their own models show that reducing CO_2 emissions will not alleviate this harm. Sct 202(b) requires the Administrator to await development and application of the "appropriate" technology, and to give appropriate consideration to the cost of compliance. On this basis, Sct. 202(b) seems to forbid current action. To wit:
(a) The Endangerment finding did not apply to CO_2 directly as an inhalant per se, since CO_2 at ambient concentrations, and even many multiples of same, are harmless to humans and beneficial to plants. Instead the Endangerment finding was entirely premised on its indirect effects on climate. Therefore the remedy imposed by the Administrator must be expressed in terms of amelioration of indirect effects on climate, not on the reduction of CO_2 emissions themselves.
(b) The same models that were cited in the TSD also show that full implementation of Kyoto, Paris, CPP and all related measures authorized under the CAA would have no material effect on the climate. Consequently the requisite technology does not currently exist to address the alleged Endangerment.
(c) Additionally, consideration of the cost will reasonably weigh the compliance costs against the effectiveness of the remedy. Since the proposed remedy does not reliably or materially alleviate the

alleged harm, any cost is unreasonable. This is especially the case when the cost is as steep as it is in the case of compliance with climate rules.

I have interspersed further comments in red below.

GHG Endangerment Finding Redux

Why reconsider the GHG Endangerment Finding?

- The President has no faith in the 2009 finding, believes regulation under that finding is inappropriate, has directed reconsideration as a primary element in his EPA Action Plan, is expected to direct reconsideration in his forthcoming executive orders on climate, and is expected to direct EPA to grant any petitions seeking reconsideration.
- Letters from House and Senate leadership are being prepared and will ask the Administrator to reconsider the finding.
- EPA has already received two petitions for reconsideration. **These considerations seem more than adequate for the matter.**
- If the reconsideration finds no endangerment, it automatically provides the authority needed to withdraw several high-cost, low-value rules (which we will need in order to meet the 2:1 reg and 1:1 cost requirements in the regulatory reform executive order), something that will save enormous amounts of time and effort in place of reconsidering each of those rules under notice and comment rulemaking.
- The Inspector General held that the 2009 finding was improperly done, a finding the Obama administration simply ignored. **This point needs to be highlighted in the public documentation of the decision to reconsider. Also, the fact that the EPA did not deem the TSD a HISA ought to have prevented Agency staff from promulgating expensive rules.**
- Climate science completed since the 2009 finding significantly undercuts the finding. **Yes, specifically with regards to the premises upon which the TSD was based. It will be important to focus attention on the narrow grounds upon which the original decision was made. Agency staff and their academic allies will try to move the goal posts, in effect saying "yes you're right, those argument are overturned, but now we have new arguments." This is a typical IPCC procedure. As soon as the evidence upon which the last Assessment gets debunked, they trot out a new line of evidence, so that the conclusions never change. By the time we have debunked the new line of evidence, they move on again. So at the point in the process where the original Endangerment finding is being examined, the entire focus must be on the evidence that was put forward in the 2009 finding, and Agency staff must not be permitted to trot out new lines of evidence or argumentation. New evidence can be considered when a new Endangerment review is undertaken, but then it calls into question the credibility of the proponents of Endangerment if they abandon evidence that they previously deemed pivotal now that it goes against their preferred position, and they try instead to rely on evidence that emerged only after they had already declared the science was "settled."**
- The Clean Air Act §202(a)(1) specifically authorizes revision of the finding.
- EPA has concluded that the rules emerging from the finding will have no significant effect on

climate (as measured by average global temperature) and thus do not significantly contribute to the GHG pollution needed to cause or contribute to endangerment. **This is awkwardly worded. The point is that the rules do not significantly contribute to alleviating the alleged endangerment. It is a situation akin to a proposal for regulating the color of men's shoes in the hopes of reducing urban NOx levels. Even if it could be shown that the regulation would not cost too much to implement, it must surely be a principle acceptable to the courts that if the proposed rule would have no effect on the alleged problem, then it can be blocked as an unreasonable action.**

- EPA currently expends approximately $100 million a year on climate activities grounded on the finding, funds that otherwise could be used to ameliorate traditional environmental harms. **Or simply cut from the budget. Presumably there is already funding in place to deal with criterion air and water contaminants, including in state-level budgets.**

How would EPA go about the reconsideration?

- In conducting its reconsideration of the finding, EPA will follow the procedures established under CAA § 307.
- EPA can only survive legal challenges to a new finding if it has a reasonable basis for its decision. The Agency's decision will be rejected and remanded if any of the following are found:
  - EPA offered no reasons for its finding; **Not a problem**
  - EPA offered an explanation for its decision that runs counter to the evidence before the agency; **Not a problem, as long as focus is placed on the evidence cited in the 2009 decision**
  - EPA used an explanation that is so implausible that it could not be ascribed to a difference in view or the product of agency expertise; **Not a problem**
  - There is inadequate data upon which EPA could make a decision; **Not a problem**
  - The finding is based upon scientific study's conclusions which are more limited than the finding and which cannot be validly extended to support the finding; **Not a problem. If anything this is a problem for the original decision. When it is time to make new arguments, we can, for instance, point to the evidence from IAMs that the SCC may not even be a positive number, per the new paper by Dayaratna et al. The other side will try to bring out some new and very shaky evidence on the effect of GHG on long term economic growth, but these studies can be shown to be very problematic.**
  - EPA used procedures to reach a final determination that reflect arbitrary and capricious action. **Not a problem**
- EPA must build a record of its decision-making process that can withstand judicial review and create public confidence in the process and its outcome.
- EPA has the tools to apply a 100 percent transparent process through "e-regulation" and use of available internet communication opportunities.
  - The process of making a finding consists of multiple decision points. EPA would seek comment on each decision point in appropriate sequential order through both a web page and the e-regulation system, allowing those making comments on the web page to also enter their comments into the official administrative record.

- EPA would use the Federal Register to notify the public of each new decision point on which it seeks comment. **It seems to me a challenge is going to be whether you can rely on Agency staff. There will be a heavy burden of responding to comments and developing effective counter-arguments. Agency staff may try to throw the fight in this process. Will you be relying on external contractors to oversee the staff?**

- EPA would identify the new endangerment finding as a "Highly Influential Scientific Assessment" which requires the Agency to rigorously apply its Information Quality Act guidelines, and conduct its own peer review. **This is an important point. It would be a good idea to enshrine in the rules that IPCC reports do not qualify under the HISA requirements. I have written extensively on problems in the IPCC peer review process. The Inter-Academy Council conducted a review in 2010 and recommended procedural changes to strengthen the IPCC, but they subsequently ignored or subverted them and nothing was fixed. It would serve the right at this point if US lawmakers disqualified IPCC reports for rulemaking purposes.**

- EPA would only rely on information, data and studies where the original data upon which assessment is based is available to the public and in the administrative record. EPA would not rely on any study whose authors refuse to provide the underlying data, including computer code used to evaluate and analyze the data. **It is high time for a rule like this. A long list of paleoclimate studies could be disqualified. And there are other areas besides climate where such a rule would lead to papers being disqualified from consideration, including some of the air pollution/epidemiology literature, CDC obesity studies, etc. I did a paper for the Fraser Institute on this with Bruce McCullough of Drexel University a few years ago. See**

http://www.rossmckitrick.com/uploads/4/8/0/8/4808045/thecaseforduediligence_fiedition.pdf

- EPA would rely exclusively on data and not on opinion or conclusions, regardless of how authoritative the source. **Be careful with this, it's a tricky one in climate. There's no "climate data" to speak of since no one can measure the climate; they don't even agree on what the definition of climate (as opposed to weather) is. All we have are weather observations of uneven quality that get processed based on assumptions and ad hoc reasoning. You can certainly insist that appeals to authority will have no weight, including surveys of scientific opinion, expert society statements etc.**

  Regarding society statements, you should always take the position that you will not pay any attention to statements from expert societies unless they are accompanied by the signatures of all the individual members of the society who specifically endorsed the statement, as well as a listing of all the members who declined to endorse it, with the endorsements representing such an overwhelming majority that the statement can, in fact, be deemed to be a consensus position. The number of statements that currently meet this requirement is precisely zero.

- EPA would begin by examining and taking comment on the meaning of the phrase "which in his [the Administrator's] judgment cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare." **I argue that if the conditions of alleged danger are, in fact, indistinguishable from conditions in which large numbers of the public routinely choose to live and even prefer to alternative conditions in which the alleged dangers are absent, then endangerment cannot be said to exist. Then I'd point to the migration patterns within the US over the past 50 years in which people have proportionately left the inland Northeast and Midwest regions and moved to the stormy Atlantic coast, arid Southwest desert and hot, coastal California. In this way they have voluntarily, and indeed at**

great cost, left behind the climate conditions associated with the pre-industrial Northern Hemisphere average and sought out the climate conditions identified in climate models as the "dangerous" future, namely hotter, more susceptible to extremes and closer to rising sea levels.

- The Agency would then seek information necessary to apply the phrase as parsed, building lines of evidence with regard to each phrase and strictly applying the Information Quality Act guidance and Peer Review process to vet all data and determine the scientific basis for data summarizations and proposed findings. Here I would again point to the evidence of low climate sensitivity and the fact that mainstream science & economics can't even establish a positive SCC. From there we can invoke many other lines of argumentation, including the poor forecast performance of climate models and the fact that the strongest warming patterns appear in the crappiest data sets, including the NOAA and GISS surface compilations. The best data (buoys and satellites) show the least warming.
- The Agency would obtain contractor support to help develop the scientific lines of evidence and would either rely on an existing FACA panel or create one or more new ones to ensure adequate independent peer review. The open public process (crowd sourcing) would also serve to provide independent peer review. Here you will need to be careful to prevent hostile Agency staff from deliberately flubbing the process so as to create a comment/response record that appears to concede to the alarmists.
- The Agency would regularly brief the Administrator and Congressional committees on the progress of the reconsideration and invite scientific groups to fully participate in the findings process. Subject to the requirement that statements will only be taken from individuals, and "Society" statements will have no weight unless accompanied by signatures of all individual members who endorse it, and a listing of all who declined to do so.
- Upon completion of its analyses and data summarization, and pursuant to § 307(d) of the Clean Air Act, the Agency would prepare a proposed finding, take further comment and make a final finding.
- Because of the highly influential nature of the finding and its ramifications world-wide, EPA will build its technical support document and respond to comments made on each section of the document during development of the finding, thus minimizing the need to further respond to comments at the proposal stage.

To: Ericksen, Doug[ericksen.doug@epa.gov]; Konkus, John[konkus.john@epa.gov]
Cc: Schnare, David[schnare.david@epa.gov]; Benton, Donald[benton.donald@epa.gov]
From: Kreutzer, David
Sent: Thur 2/2/2017 2:24:43 PM
Subject: We need to dump this news service
epaNewsBriefing170202.doc
~WRD000.jpg

We don't need to continue disseminating this junk.

I don't know what we are paying bulletinintelligence.com but two other government contracts are worth over $1 million each.

From Bloomberg, http://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=49244746

Bulletin Intelligence LLC Wins $1.3 Million Federal Contract

Sep 26 15

Bulletin Intelligence LLC won a $1,303,664 federal contract set aside for small business from the U.S. Department of Homeland Security's Federal Emergency Management Agency for media monitoring and analysis.

Bulletin Intelligence LLC Wins $1,193,488.56 Federal Contract

Jul 9 16

Bulletin Intelligence LLC won a $1,193,488.56 federal contract from the U.S. Citizenship and Immigration Services for media monitoring services.

From: Bulletin Intelligence [mailto:epa@bulletinintelligence.com]
Sent: Thursday, February 2, 2017 7:01 AM
To: epa@BulletinIntelligence.com
Subject: EPA Daily News Briefing for Thursday, February 2, 2017

Mobile version and searchable archives available at epa.bulletinintelligence.com.

TO: ADMINISTRATOR AND SENIOR EXECUTIVES

DATE: THURSDAY, FEBRUARY 2, 2017 7:00 AM EST

TODAY'S TABLE OF CONTENTS

Administrator

• Democrats Stall Committee Confirmation Vote On Pruitt. (WP, BLOOMPOL, EEDAY, EEPUB, REU, CBSNEWS, ANCHDN)

• More Than $3M Spent Lobbying For, Against Pruitt For EPA Chief. (HILL)

• Additional Reading.

- Scott Pruitt Will Make America Great Again – For Polluters. (HUFFPOST)

Brownfields/Superfund/Other Cleanups

• Gold King Mine Spill Update. (KRDOTV)

Climate Change

• Sources: Dismantling Clean Power Plan Likely To Come After Pruitt Confirmation. (EECLMTWR)

• CA: Term-Limited Brown Has $15M In His Campaign Account. (LAT)

• California Bill Would Add “Social Costs” To Public Contract Bids. (MERCN)

• EU Looks To China As US Retreats On Climate Change. (REU)

Energy

• US House Votes To Repeal SEC “Extraction Rule”. (REU)

• Renewable Energy Industry Urges Trump To Consider Green Jobs In Rural Areas. (BLOOM)

- Pastor Enthusiastic About Perry, Other Evangelicals In Cabinet. (WP)

- Palomarez Supports Perry For DOE Secretary. (HILL)

Enforcement

• Volkswagen Agrees To Emissions Cheating Scandal Settlement. (NYT, BLOOM, WSJ, REU, FT)

Other News

• EPA Workers Grow More Concerned About Political Interference. (WP)

• House Science Committee To Hold Hearing On "Making The EPA Great Again". (EECLMTWR)

• Gorsuch Seen As Smart But Light On Energy Issues. (EEPM)

- Gorsuch May Overturn Chevron Deference, Dems Planning Pruitt Vote Boycott. (BLOOMGOV)

• Murkowski Urging GOP Leaders To Bring Perry Nomination To Senate Floor For Vote. (POLMOREN, LAT, WSJ, WP, NPR)

- Saudi Oil Minister Lauds Trump Energy Policies. (WSJ)

• Civil Servants At Odds With Superiors Over Trump's Executive Actions. (HILL, WP, ALBQJRN)

• Additional Reading.

- Neil Gorsuch's Late Mother Almost Annihilated The EPA. Is History Repeating Itself? (NSWK)

Rules/Regulations/Policy

• NRDC Files Complaint Against EPA For Rescinding Mercury Protection Rule. (REU)

• Manufacturers Hope Trump Policies Speed Up Environmental Permitting. (BLOOMGOV)

Toxics/TSCA

• EPA Begins Testing For Toxic Vapor Intrusion In Ballston Spa. (SCHGAZ)

- Local TV Coverage: Ballston Spa Contamination Miscommunication. (WXXATV, WTENTV)

Water

• Estimated Cost Of Keeping Flint On Detroit Water System: More Than $45M. (MLIVE)

• Researchers Find Discontinuation Of Corrosion Control Measures Caused Flint Water Crisis. (MLIVE)

Administrator

Democrats Stall Committee Confirmation Vote On Pruitt.

The Washington Post (2/1, Dennis, Mooney, Weigel) reports Democrats boycotted a planned vote on EPA nominee Scott Pruitt. Democrats' staff distributed "an amendment from ranking member Tom Carper that would add new standards requiring nominees to submit more financial information." Sen. John Barrasso said he would not force a vote on Pruitt without Democrats in attendance, pledging to "move the nomination of Scott Pruitt as expeditiously as possible." Bloomberg Politics (2/1, Natter) reports Democrats told reporters that they were demanding transparency. Under committee rules, "at least two members of the minority must be present to constitute a quorum and allow the panel to take action on legislation and nominations," but the committee "could attempt to change those rules or temporarily suspend them in a bid to move Pruitt's nomination to the Senate floor" as done Wednesday by the Senate Finance Committee.

E&E Daily (2/1, Bravender) reports that Sen. Carper "said the responsibility falls on Pruitt" because he failed to fully answer Democrats' questions. Sen. Carper was also "particularly irked that Pruitt told Democrats they would have to request emails from his tenure as Oklahoma's top law enforcement official under an open records process that has a nearly two-year backlog."

E&E Publishing (2/1) notes that Republicans have boycotted committee votes in the past on EPA administrator nominees, including for Obama's pick in 2013, Gina McCarthy. Reuters (2/1, Gardner) also reports. CBS News (2/1) reports that Republican members were critical of their Democratic counterparts for failing to attend, and accused them of obstructionism. Alaska Dispatch News (2/1) reports that Alaska Sen. Dan Sullivan described the Democratic boycott as a "senatorial temper tantrum."

More Than $3M Spent Lobbying For, Against Pruitt For EPA Chief.

The Hill (2/2, Cama) reports that more than $3 million has been spent by opponents and supporters of Oklahoma Attorney General Scott Pruitt in an effort to sway his confirmation process. The "National Association of Manufacturers is the biggest spender in favor of Pruitt with a seven-figure ad campaign," while Tom Steyer says his group NextGen Climate Action has spent similar amounts.

Additional Reading.

•□□□□□□□□ ***Scott Pruitt Will Make America Great Again – For Polluters.*** Huffington Post. (2/1)

Brownfields/Superfund/Other Cleanups

Gold King Mine Spill Update.

KRDO-TV Colorado Springs, CO (2/1, 6:18 p.m. EST) reported, "New Mexico is update its long term plan to monitor the effect of the 2015 mine waste spill that fouled rivers in three western states. The state's environment department says the plan was developed by a team that includes science and engineering experts. The state department representative says there are concerns about a decision by the EPA to not pay damage claims. EPA workers triggered the spill at the Gold King Mine, Southern Colorado, releasing 3 million gallons of waste water tainted with heavy metals."

Climate Change

Sources: Dismantling Clean Power Plan Likely To Come After Pruitt Confirmation.

ClimateWire (2/1) reports White House press secretary Sean Spicer "sidestepped" a question "about whether the administration might target U.S. EPA's endangerment finding," which is used to justify the Clean Power Plan. Former Trump transition advisor Myron Ebell has said transition officials discussed potentially delaying an announcement on the Clean Power Plan until Scott Pruitt is confirmed as EPA administrator. Ebell said last week. "I think they're trying to decide whether to do it before he's confirmed, or wait until after he's confirmed. And of course if the Democrats delay his confirmation, my guess is they won't wait around." Sources close to the transition "say that the complicated process of undoing the Clean Power Plan could be better managed under the stewardship of Pruitt and his team at the agency." David Doniger at the Natural Resources Defense Council said, "As long as the endangerment finding is intact, then the agency is under legal obligation to curb the emissions from these sources."

CA: Term-Limited Brown Has $15M In His Campaign Account.

The Los Angeles Times (2/1, Myers) reports that Gov. Jerry Brown (D), who is term-limited in 2018, has "a $15-million political war chest, one of the largest of any elected official in the state." The Times says Brown "could easily use his campaign cash on any number of efforts," including "potentially asking California voters to extend or expand the state's landmark climate change laws," though the Democrat currently "is staying out of any speculation about what might happen. 'I think it's safe to say he's keeping his options open,' said Dana Williamson, the governor's political strategist." The Times added that Brown "has more cash on hand than any of the three leading Democrats vying to replace him in 2018."

California Bill Would Add "Social Costs" To Public Contract Bids.

The San Jose (CA) Mercury News (2/1, Murphy) reports a new California bill aims to add social costs of greenhouse gas emissions to bids by contractors vying for state-funded infrastructure projects. The measure "would be the first of its kind in the nation and would give companies an incentive to offer the best deal for the environment, not just the lowest price."

EU Looks To China As US Retreats On Climate Change.

Reuters (2/1, De Carbonnel) reports EU officials are looking to China as the US retreats from international efforts to tackle climate change, "fearing a leadership vacuum will embolden those within the bloc seeking to slow the fight against global warming." Some EU diplomats "worry Europe is too weak to lead on its own in tackling climate change" as Brexit, Russian energy dependence, and protecting industry threatening the bloc's common policy. "We need to embrace the fact that China has invested very heavily in clean energy," Gregory Barker, climate change minister to former British Prime Minister David Cameron, told Reuters. "If America won't lead then it's clear that China will."

Energy

US House Votes To Repeal SEC "Extraction Rule".

Reuters (2/1) reports that the Republican-led House of Representatives voted to remove "two major U.S. rules aimed at curbing corruption and pollution in the energy sector." The Senate is expected to take up the issue as soon as Thursday. The Securities and Exchange Commission's "extraction rule" was approved in 2010 to require energy companies, such as Exxon Mobil and Chevron Corp., to publicly state the taxes and other fees they pay to governments. On the House floor, chairman of the Financial Services Committee Jeb Hensarling said the rule was part of "a radical leftist elitist agenda against carbon-based

jobs."

Renewable Energy Industry Urges Trump To Consider Green Jobs In Rural Areas.

Bloomberg News (1/31, Martin) reports the renewable energy industry wants the Trump Administration to know that when it comes to "bringing energy jobs to rural communities: get out of the coal mines and look to the sky." The US wind power industry had over "100,000 workers at the end of the year and the solar industry had more than double that," and they are "a significant source of employment in many of the rural red states that supported Donald Trump's campaign." At the beginning of last year there were 65,971 coal mining jobs, the Energy Department reports. Renewable energy industry leaders "say the rural areas that missed out on economic growth under President Barack Obama are benefiting from the expansion of clean energy." The article mentions that while Trump Administration will be "more fossil-fuel friendly," former Texas Governor Rick Perry, Trump's choice to be the next energy secretary, "helped his state become the largest producer of wind power."

Pastor Enthusiastic About Perry, Other Evangelicals In Cabinet. In an article about evangelical support for Trump and today's National Prayer Breakfast, the Washington Post (2/1, Bailey) reports Ronnie Floyd, a former Southern Baptist Convention president, indicated that he "is especially excited by 'followers of Christ' nominated for Trump's Cabinet." Rick Perry was listed among those he was excited about. Floyd said of evangelicals, "The administration has been way over the top in giving them visibility and recognition that we can bring values."

Palomarez Supports Perry For DOE Secretary. Javier Palomarez, president and CEO of the US Hispanic Chamber of Commerce, writes in an op-ed for The Hill (2/1, Palomarez) that the mission of the Energy Department "is to ensure America's security and prosperity by addressing its energy, environmental and nuclear challenges through transformative science and technology solutions." With Gov. Perry's "knowledge and experience in this arena, we believe he is a qualified candidate to serve as secretary of Energy." Palomarez concludes, "We hope for a smooth confirmation and look forward to working with him to keep powering America's business future."

Enforcement

Volkswagen Agrees To Emissions Cheating Scandal Settlement.

The New York Times (2/1, Ewing) reports Volkswagen has agreed to a settlement of "more than $20 billion to settle civil and criminal suits in the United States over its diesel emissions scandal" that affects around 600,000 cars. Through the settlement, "owners of two-liter vehicles and 2009-12 three-liter models can either sell them back to Volkswagen for a price reflecting their value before September 2015, when the diesel cheating became known, or have their cars repaired free." Bloomberg News (2/1, Mehrotra) reports specifically, the filings from the San Francisco federal court indicate the compensation would be "as much as $16,114." The deal "brings the total damages in North America to more than $23 billion." Repurchasing the 3-liter vehicles adds to "the 482,000 2-liter autos that are being bought back or repaired under a previous agreement." Should VW not make the repairs on time according to the deal, the company's "burden from the issue will increase to as much as $4.04 billion." US District Judge Charles Breyer is set to review the "proposed 3-liter settlement on Feb. 14." If he gives "preliminary approval, car owners and others would be given a chance to comment on the agreement before it becomes final."

The Wall Street Journal (2/1, Wilkes) reports that in a separate US settlement on Tuesday, German parts supplier Robert Bosch GmbH agreed to a settlement of $327.5 million for allegation it helped created the defeat device software that was installed in VW cars. If the settlement is approved, the investigation into Bosch would be closed. The New York Times (2/1, Ewing) reports Bosch has continuously denied any knowledge or involvement in the emissions cheating scandal and did not admit to any wrongdoing as part of the settlement with VW owners and the Federal Trade Commission. The

company still faces a criminal investigation by German attorneys "as well as multiple civil suits by Volkswagen owners in Europe." On Wednesday, Bosch said it would "continue to defend its interests in all other civil and criminal law proceedings and to cooperate comprehensively with the investigating authorities in Germany and in other countries."

Reuters (2/1) highlights lawsuits and investigations VW still faces that have yet to be resolved, including: lawsuits from other US locations; German damages claims; a lawsuit in Australia, several other lawsuits from European countries; and the indictments of several VW executives in South Korea.

The Financial Times (2/1, McGee) provides additional coverage.

Other News

EPA Workers Grow More Concerned About Political Interference.

Greg Sargent writes for the Washington Post (2/1, Sargent) in its "Plum Line" blog on anxiety among federal workers in the EPA. John O'Grady, president of the union that represents some EPA employees nationwide, told The Washington Post "that Trump's firing of the acting attorney general who said she would not defend his immigration order in court was producing a 'chilling effect through the agency.'" O'Grady said political interference was a worry and that insiders are concerned that internal dissent with such interference, or efforts to draw attention to it, could meet with punishment in the form of "losing a job" or "not being promoted" or "not getting a prime assignment."

House Science Committee To Hold Hearing On "Making The EPA Great Again".

ClimateWire (2/1, Bravender) reports that next week a House committee will hold a hearing on "Making the Environmental Protection Agency Great Again." House members are likely to discuss the "Secret Science Reform Act," which would require the EPA to use only "transparent and reproducible" science to develop regulations. Democrats and opponents to the bill "say the measure would have a crippling effect, since large-scale studies are not easy to reproduce and some industry or private data can't be made public."

Gorsuch Seen As Smart But Light On Energy Issues.

E&E News PM (2/1, Gilmer) reports that President Trump chose Judge Neil Gorsuch from the 10th US Circuit Court of Appeals as his Supreme Court nominee. "Gorsuch's record on energy and environmental issues is light, but experts have described the Colorado native as well-qualified and traditionally conservative." BakerHostetler attorney Mark Barron praised Gorsuch as having Scalia's brand of "intellectual firepower" and for being "smart as hell." In remarks following Trump's announcement, "Gorsuch highlighted his commitment to impartiality, independence and collegiality on the bench," E&E reports. E&E profiles Gorsuch, reporting that he is "most notable for his extreme distaste for Chevron deference, a legal doctrine under which judges typically defer to an agency's judgment when it is interpreting ambiguous law." Such deference arises "frequently in litigation surrounding technical rules" from the EPA, the Interior Department and other agencies covering energy and the environment. On specific energy and environmental issues, "Gorsuch's record is less developed," but include rulings the story goes on to detail.

Gorsuch May Overturn Chevron Deference, Dems Planning Pruitt Vote Boycott. Bloomberg Government (2/1) reports in its blog that if President Trump's pick for the Supreme Court Neil Gorsuch is confirmed, it would putting a leading critic of "Chevron deference" on the court. Gorsuch wrote in a concurring decision last year, "But the fact is Chevron and Brand X permit executive bureaucracies to swallow huge amounts of core judicial and legislative power and concentrate federal power in a way that

seems more than a little difficult to square with the Constitution of the framers' design. Maybe the time has come to face the behemoth." Senate Democrats are also planning to boycott a Senate Environment and Public Works Committee vote on EPA nominee Scott Pruitt. Sen. Tom Carper complained that Pruitt failed to provide documents from his time as Oklahoma AG, and he was not forthcoming in his answers to questions. Carper said, "I also asked him to name any EPA regulation on the books today that he supports. Mr. Pruitt could not name one."

Murkowski Urging GOP Leaders To Bring Perry Nomination To Senate Floor For Vote.

The "Morning Energy" blog of Politico (2/1) reported Senate Energy and Natural Resources Committee Chairwoman Lisa Murkowski signaled that she's urging "Republican leadership to move the nominations of Rick Perry for DOE and Interior selection Ryan Zinke up the line for floor consideration, after both won bipartisan backing from her committee Tuesday. But she admits Democrats may hold up fast confirmations for both." Murkowski told ME, "My hope is that the strong bipartisan support that we had for both gentlemen will allow them to find an easier path forward. ... It does worry me because the president deserves to have a Cabinet."

In articles about other Trump Cabinet nominees, the Los Angeles Times (2/1, Mascaro), the Wall Street Journal (2/1, Harder), the Washington Post (2/1, Snell, Weigel, O'Keefe) and NPR (2/1, Seipel) mention that Perry and Zinke were approved by the Senate Energy and Natural Resources Committee on Tuesday.

Saudi Oil Minister Lauds Trump Energy Policies. The Wall Street Journal (2/1, Faucon, Amon) reports Saudi Arabian oil minister Khalid al-Falih yesterday offered praise for the energy policies of President Donald Trump and signaled that he is in favor of increased oil production in the US "as long as they grow in line with global energy demand." On Wednesday, al-Falih told the BBC, "President Trump has policies which are good for the oil industry, and I think we have to acknowledge it." He also applauded the choices Trump has made for his Cabinet, including Perry who Falih called "pro-oil and gas."

Civil Servants At Odds With Superiors Over Trump's Executive Actions.

The Hill (2/1, Kamisar) reports civil servants have begun publicly clashing with their superiors over some of President Trump's executive actions. Chris Lu, the former deputy secretary of Labor in the Obama Administration, says, "I don't recall any kind of dissent like this happening either in a Democratic or Republican administration — this is clearly unusual." Administration officials fired back that if civil servants disagree with the policy decisions, they are free to find other jobs. The Washington Post (2/1, Joe Davidson |, Columnist) reports despite the outcry of some employees, there is "no verifiable revolt by the workforce" against President Trump. Megan Durham, retired Fish and Wildlife Service deputy assistant director for external affairs, says "Sometimes you have to suck it up, choose your battles, and do the best you can within the system to educate your political bosses and continue to perform your agency's mission."

The Washington Post (2/1) reports federal workers are in "regular" contact with Obama Administration appointees about possible avenues of backlash against President Trump's initiatives. Some have created social media accounts aimed at leaking word of possible changes Trump appointees plan to make. Other officials have stated they will "slow their work" if they are asked to do tasks they agree with.

The Washington Post (2/1, Selk) reports the EPA's twitter account has remained silent since President Trump took office. Canadian officials are warning US civil servants they may face a "regime of censored science" similar to what happened in Canada after former Prime Minister Stephen Harper took office. In 2014, 800 Canadian scientists sent Stephen Harper an open letter warning that "Canada's leadership in basic research, environmental, health and other public science is in jeopardy."

Additional Reading.

•□□□□□□□□ ***Neil Gorsuch's Late Mother Almost Annihilated The EPA. Is History Repeating Itself?*** Newsweek. (2/1, Brenner)

Rules/Regulations/Policy

NRDC Files Complaint Against EPA For Rescinding Mercury Protection Rule.

Reuters (2/1, Stempel) reports "mere hours after Trump took office," the EPA withdrew its final rule seeking reductions in the discharge of mercury from dental offices. Natural Resources Defense Council has filed a complaint against the EPA claiming the agency "illegally" rescinded the rule.

Manufacturers Hope Trump Policies Speed Up Environmental Permitting.

Bloomberg Government (2/1) reports that manufacturers hope President Donald Trump's call to expedite permitting for new projects "will galvanize the EPA and state environmental regulators to speed up their permit review processes and pursue broader revisions to underlying regulations." The article adds that the manufacturing sector "has highlighted regulatory requirements, including delays in the processing of necessary permits, as a barrier to investment in domestic manufacturing projects." According to NAM Senior Director for Energy and Resources Greg Bertelsen, the Trump memo is "right in line" with what the NAM's message on environmental regulations has been for the past several years.

Toxics/TSCA

EPA Begins Testing For Toxic Vapor Intrusion In Ballston Spa.

The Schenectady (NY) Daily Gazette (2/1, Campbell) reports that the EPA will begin testing for "vapor intrusion" of carcinogenic air contaminants in the basements of Ballston Spa homes that may have migrated from an old dry-cleaning business. Don Graham, project coordinator for the EPA, said that the agency will assist property owners in installing air-blocking systems if the contaminants are found in homes.

Local TV Coverage: Ballston Spa Contamination Miscommunication. WXXA-TV

TV Albany, NY (2/1, 10:04 p.m. EST) reported, "A new concern about the chemical contamination that's coming from an abandoned dry cleaning shop in Ballston Spa. The EPA says Saratoga County called them to investigate the Ricketts property this past summer, but the Mayor of Ballston Spa wasn't alerted until the end of December. The EPA says their investigation began back in August when Saratoga County called them with concerns after a rep visited the site and saw asbestos and some mercury switches. The attorney for the county says it was up to the EPA to tell the mayor. The EPA says communication is important and that they will continue to keep in contact with those involved."

WTEN-TV Albany, NY (2/1, 6:00 p.m. EST) reported similar coverage.

Water

Estimated Cost Of Keeping Flint On Detroit Water System: More Than $45M.

MLive (MI) (2/1, Fonger) reports the Genesee County, Michigan Drain Commissioner's Office told the state's Department of Environmental Quality that keeping Flint and its neighboring suburbs connected to the Great Lakes Water Authority while it works towards being capable of treating its own water could cost more than $45 million over a two-year period. While keeping Flint connected to the GLWA is expensive compared to other options under consideration by city and state officials at the moment, "experts have increasingly advised the state that the fewer changes in source water, the better for Flint."

Researchers Find Discontinuation Of Corrosion Control Measures Caused Flint Water Crisis.

MLive (MI) (2/1, Fonger) reports Virginia Tech researchers published a peer-reviewed report which found that the Flint water crisis was caused by the decision to discontinue adding orthophosphate inhibitors once the state switched the city to a Flint River-dependent water supply. A news release highlighting the report said, "In the tap water, the high lead concentrations strongly correlated with the levels of cadmium, zinc and tin, which were also components of the pipe's original internal coating. ... According to the researchers, these results suggest that without corrosion inhibitors, the Flint River water caused the rust layers (with attached lead) to release from the interior of the iron pipe."

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To: Schnare, David[schnare.david@epa.gov]
From: Ex. 6 - D. Schnare Personal Email
Sent: Wed 2/1/2017 11:47:58 AM
Subject: Fwd: EF Reconsideration
EF Reconsideration.doc

Sent from my iPad

Begin forwarded message:

From: Alan Carlin <Ex. 6 - Personal Privacy
Date: December 15, 2016 at 9:39:58 AM EST
To: David Schnare <Ex. 6 - Personal Privacy
Subject: EF Reconsideration

David,
David,

As briefly discussed at the end of the November Cooler Heads meeting, I think it would useful to have a short meeting concerning how I and others (such as Mr. Menton if he is willing) can aid in the most important action the new EPA Administration needs to take: revocation of the EPA GHG Endangerment Finding.
There are at least two major aspects to this: The legal and the scientific aspects. Each would require some discussion if anything effective is to be accomplished. Attached is my proposed agenda for such a meeting, as you requested in November.

Alan

To: Schnare, David[schnare.david@epa.gov]
From: Ex. 6 - D. Schnare Personal Email
Sent: Thu 1/26/2017 11:29:28 PM
Subject: Fwd: Thread on Pruitt testimony on warming

Sent from my iPad

Begin forwarded message:

From: "John Dunn" <Ex. 6 - Personal Privacy>
Date: January 26, 2017 at 3:33:28 PM EST
To: "steve milloy" Ex. 6 - Personal Privacy "Richard Farina" <farina@airshow.net>, "david schnare" Ex. 6 - Personal Privacy "Myron Ebell" <MEbell@cei.org>, "joe BAST" <jbast@heartland.org>, "james taylor" <jamestaylorspark@outlook.com>, "H. Sterling Burnett" <HBurnett@heartland.org>
Subject: Thread on Pruitt testimony on warming

Subject: Trump: Pruitt questions warming

EPA administrator nominee Scott Pruitt yesterday sent 242 pages of responses to questions from Democratic senators, doubling down on his stances that the severity of climate change is up for debate and that the agency he would run has overstepped its congressional mandate.
In response to numerous general and specific questions about climate science, the Republican Oklahoma attorney general pasted the same response:
"The climate is changing and human activity impacts our changing climate in some manner. The ability to measure with precision the degree and extent of that impact, and what to do about it, are subject to continuing debate and dialogue," he said, echoing his comments from a hearing last week with the Senate Environment and Public Works Committee.
The EPA nominee said he would "work to ensure that any regulatory actions are based on the most up to date and objective scientific data, including the ever-evolving understanding of the impact increasing greenhouse gases have on our changing climate."
Pruitt agreed he would not retaliate against EPA employees who work on climate change issues. He said repeatedly that it would be his privilege to work with scientists and other public servants and added that he would "follow applicable laws and federal guidance on scientific integrity, information quality, and transparency."
His **responses** landed in inboxes last night as the Associated Press**reported** that the Trump administration intends to require scientific reports from EPA to get final signoff by political appointees.
Pruitt also weighed in on an international deal to curb climate change, which President Trump has said he will exit. Pruitt said that if the State Department

decides to continue to participate in the Paris Agreement, he would "work with all involved agencies to ensure that commitments made on behalf of the United States are achievable and consistent with requisite legal authorities delegated by Congress."
For many questions about how he would handle certain policies and enforcement issues, he stated broadly that he would carry out authorities granted to EPA by Congress, without explaining how. Delaware Sen. Tom Carper, the ranking Democrat on the committee, called Pruitt's answers "shockingly devoid of substance." Committee leaders have not yet agreed on a date to vote on confirming the nomination.
"I also believe the Administrator has an important role when it comes to the regulation of carbon dioxide," Pruitt wrote, saying he would follow the agency's endangerment finding that CO2 is a pollutant that is harmful to public health. He said he would do that "respective of the applicable statutory framework established by Congress."

Sent: Thursday, January 26, 2017 9:20 AM
Subject: Re: Trump: Pruitt questions warming

Dunn says:

unless he is intentionally deceitful, Mr. Pruitt is enormously ignorant of the problem with the EPA.

He says he will be respectful of the endangerment finding????

He, like so many other nominees, accepts the bullshit about warming that is anthropogenic, and catastrophic?

does he also accept the pile of epidemiological papers that make small associations on air pollutions effects into major public health scaremongering—like claims that small particles kill almost as many people in America annually as cancer?

this all starts with the nature of lawyers, my friends, lawyers who have never even cracked the book *Reference Manual on Scientific Evidence* published by the Federal Judicial Center and written by a cadre of science experts on multiple subjects that pertain to admissibility of evidence under the Federal Rules of Evidence 701 et seq.

link to the reference manual

http://www.fjc.gov/public/home.nsf/autoframe?openagent&url_l=/public/home.nsf/inavgeneral?openp

there is a group of lawyers who know the Daubert v Merrill Dow Case and the jurisprudence related to admissibility of scientific evidence, that's tort and products

plaintiff and defense lawyers—because scientific testimony and evidence is critical to their cases and Federal Jurisprudence as well as the State Jurisprudence that derives from the Federal makes admissibility challenges a vital part of litigation related to personal injury and products liability.

In fact I would bet that very few of you, not being lawyers, own or have read the book in any of its three editions, 1995, 2000, and 2011.

If you were to give testimony in court it might govern the conduct of the judge who is designated as gatekeeper for admissibility of evidence and testimony.

the Daubert v Merrill Dow case of 1993 went to the Supreme Court on appeal regarding scientific testimony admissibility disputes on a drug for nausea in pregnancy called Bendectin, that was very popular and very effective. I am old enough to have used it for a long time. Claim was it caused Birth Defects, trial court denied plaintiff's experts testimony, finally the SCOTUS, in an opinion by Blackmun who fancied himself knowledgeable in these things as former general Counsel to the Mayo Clinic, laid out the rules for admissibility—common sense rules that govern admissibility decisions till today. Merrill Dow won their case eventually tried by the court that threw out the experts, but the company withdrew Bendectin from the market because the litigation risk was considered to be a continued problem, just like Dow Corning caved to the bullshit breast implants litigation industry and they were eventually proven wrong by the same FDA that put a hold on silicone implants. Now you can get a silicone implant, and they are better than the saline ones but there is a new junk tox attack on another plastic component BPA, also proven safe for decades. Scaremongering is easy—just say it enough times, and the neurotics/media/scammers will make it happen.

Daubert opinion is here:
https://www.law.cornell.edu/supct/html/92-102.ZS.html

Problem is that I can never find a way to get opponents of the EPA to get the admissibility of EPA science in dispute, which has to happen at the trial court level and has been one of the big reasons that the administrative/agency run state has gone rogue and overreached with junk science. Long story, but the Courts have expanded the concept of deference to agency actions to the ridiculous point and have refused to properly apply the Administrative Procedure act to stop arbitrary and capricious junk science based agency actions.

the reason I am irritated with lawyers like Pruitt is they are afraid to wade in and fight the science battle—preferring to argue process and economics issues. LOOOOOOSER. When the EPA claims they are saving lives, thousands, hundreds of thousands of lives, based on their bullshit science, the courts accept their claims—the high priced lawyers lose again.

Get why I am so frustrated? Why Priutt's responses need to have a scientific review as

being concessions on junk science claims about climate and more than that, all of the EPAs regulatory actions on air, water, species are based on junk science that is the product of political agendas, enviro advocacy and dishonest use of epidemiology and toxicology. Linear no threshold tox is junk, small associations epi is junk, but the courts allow it under the *Chevron* deference rule

https://en.wikipedia.org/wiki/Chevron_U.S.A.,_Inc._v._Natural_Resources_Defense_Council,_Inc.

Lawyers like Pruitt and Greg Abbott, who challenge as AGs or representing industry and business conceerns will continue to lose politically and legally until they prepare and plan and challenge the junk science. Get any sense that Pruitt knows the science debate? Greg Abbott didn't, I pounded on his guy Weber who was heading up the EPA lawsuits—no response, no interest—this is years ago. Still can't get any attention to the strategies necessary—they just pull out the same old arguments and lose again. And the EPA laughs at em--

But the wind just shifted. The Trump admiinistration gets the advantage and Chevron will play out for Trump administration agency decisions, but we should revive the Data Quality Act (Randy says it's the Information Quality Act , 2000) and we need to get smart about making it impact all science/policy decision making now and in the future.

That's why, until Trump (Bushes were both just as bad as the dems) we had no chance—all your elegant talk about the climate and GHG effects and the records of sea level meant nothing, because the enviros were in charge, in control.

Everybody was so pleased with the quality of scientific challenge on endangerment—did it do any good—not as long as it's in a court that defers to agency science and refuses to make evidentiary decisions guided by Daubert jurisprudence, the way it is dealt with in regular litigtion if the judge is doing his or her job. Regulatory challenges are on a different track that puts us at a disadvantage because of *Chevron* deference. Remember that.

Did you know you can get it free on line, the whole book. Download it for free or just look at it and download chapters that pertain to your work or the science issues. Written by the elite of experts, no hacks were engaged—and the editions got better and better.

The first two were published by a legal pub house in Minneapolis, the 3rd latest edition is available from the National Academies Press in a hard back about 1000 pages, or on line.

John,
Thanks for the references. Yes that third edition is downloadable (~1024 pages, 14.7 mbytes) and therefore searcheable.

Perhaps the best thing that could happen, though risky, is to stop the sue-and-settle approach and force all the sue'ers to actually go to court and litigate. That takes

lots of time and money, especially if appeals go on and on. The so-called science arguments will have to play out in the open rather than behind closed doors. I suspect venue choices will play a role and we need to avoid the 9th district..

Jack K

Subject: Re: Trump: Pruitt questions warming

Jack,

The answer to that suggestion is no—sue and settle collusive suits were effective in pushing more regs not because they suggested new junk scinece, but because they gave the EPA an opportunity to agree to follow the junk science and do more regulating. The sue and settle suits were not about new scientific junk "evidence" but about pushing the EPA to do more based on the EPA's own evidence. They were dragged kicking and screaming (and secretly smiling) to regulate more, to reach farther.

Again, I emphasize courts that use the Chevron deference as their standard for assessing agency conduct are the problem so you have to go in with a different agency position or opinion to get a favorable ruling.

Now we are in the position that the EPA was in for 3 decades. they put up science, opinions and make policy positions and then they just get to brush aside any objections in courts that allow the Chevron deference to prevent any review of agency action under the arbitrary and capricious standard of the Adminstrative Procedure Act.

The place to force the evidentiary decision is the trial court, and in theses cases that have gone before the appellate court there has never, to my recollection, been a successful appeal to the appellate court to rule on the trial court's evidentiary decisions based on deference.

That's why the appellate court judges looked over their glasses at the industry and state lawyers and said, to paraphrase—you aren't going to talk to us about scientific disagreements are you?

Now do you get my point—courts are unfriendly to a fault with agencies on the march.

John Dale Dunn MD JD
Civilian Faculty Emergency Medicine
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Brownwood, TX 76801
;home Ex. 6 - Personal Privacy
cel Ex. 6 - Personal Privacy

To: Schnare, David[schnare.david@epa.gov]
From: David Schnare
Sent: Tue 1/24/2017 8:43:08 AM
Subject: Fwd: GHG Organizing Principles
Endangerment Finding Organizing Principles.docx
ATT00001.htm

Sent from my iPad

Begin forwarded message:

From: David Schnare <david.w.schnare@ptt.gov>
Date: January 19, 2017 at 4:15:36 PM EST
To: schnare@torcastlelaw.net
Subject: GHG Organizing Principles

To: Ex. 6 - Chris Horner Personal Email ; Ex. 6 - D. Schnare Personal Email
From: Schnare, David
Sent: Thur 3/9/2017 3:28:11 PM
Subject: Fwd: OPA Clips 3/9/17

Sent from my iPhone

Begin forwarded message:

From: "McGonagle, Kevin" <mcgonagle.kevin@epa.gov>
Date: March 9, 2017 at 9:49:18 AM EST
To: "So, Katherine" <so.katherine@epa.gov>, "Mccabe, Catherine" <McCabe.Catherine@epa.gov>, "Reeder, John" <Reeder.John@epa.gov>, "Flynn, Mike" <Flynn.Mike@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Hull, George" <Hull.George@epa.gov>, "Slotkin, Ron" <slotkin.ron@epa.gov>, "Sowell, Sarah" <Sowell.Sarah@epa.gov>, "Hart, Daniel" <Hart.Daniel@epa.gov>, "Orquina, Jessica" <Orquina.Jessica@epa.gov>, "Actadmmccabe, Catherine17" <Actadmmccabe.catherine17@epa.gov>, "Benton, Donald" <benton.donald@epa.gov>, "Bangerter, Layne" <bangerter.layne@epa.gov>, "Davis, Patrick" <davis.patrick@epa.gov>, "Ericksen, Doug" <ericksen.doug@epa.gov>, "Konkus, John" <konkus.john@epa.gov>, "Greaves, Holly" <greaves.holly@epa.gov>, "Kreutzer, David" <kreutzer.david@epa.gov>, "Munoz, Charles" <munoz.charles@epa.gov>, "Schnare, David" <schnare.david@epa.gov>, "Schwab, Justin" <schwab.justin@epa.gov>, "Sugiyama, George" <sugiyama.george@epa.gov>, "Jackson, Ryan" <jackson.ryan@epa.gov>, "Valentine, Julia" <Valentine.Julia@epa.gov>, AO OPA Media Relations <AO_OPA_Media_Relations@epa.gov>
Subject: OPA Clips 3/9/17

Below: CNBC (2), Bloomberg BNA (2), E&E News (2), InsideClimate News, LA Times, InsideEPA (3/8), Quartz (3/8)

CNBC

http://www.cnbc.com/2017/03/09/trumps-epa-chief-says-he-will-address-fuel-economy-standards-very-soon.html

Trump's EPA chief says he will address fuel economy standards 'very soon'

By Jacob Pramuk 3/9/17 9:28 AM

The head of President Donald Trump's Environmental Protection Agency said Thursday he expects an announcement rolling back fuel economy rules "very soon."

Automakers have expressed concern about the rules set during the Obama administration, which would have pushed auto fuel economy standards to 54.5 miles per gallon by 2025. Some companies have said the Corporate Average Fuel Economy, or CAFE, standard would boost regulatory compliance costs.

EPA Administrator Scott Pruitt, who has pledged to roll back what he deems burdensome regulations, told CNBC that American automakers wanted to evaluate those standards. He said he believes the rulemaking process was rushed.

"There's going to be an announcement on that very soon and I think what's concerning to me, and I think concerning to the president, is how that process occurred," Pruitt said on "Squawk Box."

"I think that what has been broken in that process is, one, not a recognition of the great progress that's been made with those standards, but two, those in Detroit, those that are manufacturing autos in this country, expressed to the EPA that they wanted to evaluate the impact of the previous standards. And that was largely disregarded."

Backers of the Obama administration rules, which the EPA issued only a week before Trump took office, say automakers have overblown the potential costs of complying with them. They also argue that consumers may be willing to pay for better fuel economy, in any case.

Trump has held several meetings with key executives since taking office, some of which have included the CEOs of Ford and General Motors.

CNBC

http://www.cnbc.com/2017/03/09/epa-chief-scott-pruitt.html

EPA chief Scott Pruitt says carbon dioxide is not a primary contributor to global warming

By Tom DiChristopher 3/9/17 8:57 AM

Environmental Protection Agency Administrator Scott Pruitt said Thursday he does not believe carbon dioxide is a primary contributor to global warming.

"I think that measuring with precision human activity on the climate is something very challenging to do and there's tremendous disagreement about the degree of impact, so no, I

would not agree that it's a primary contributor to the global warming that we see ," he told CNBC's "Squawk Box."

"But we don't know that yet ... We need to continue the debate and continue the review and the analysis," he added.

Pruitt's view is at odds with the opinion of NASA and the National Oceanic and Atmospheric Administration.

"The planet's average surface temperature has risen about 2.0 degrees Fahrenheit (1.1 degrees Celsius) since the late 19th century, a change driven largely by increased carbon dioxide and other human-made emissions into the atmosphere," NASA and NOAA said in January.

Pruitt previously served as Oklahoma attorney general, where he rose to prominence as a leader in coordinated efforts by Republican attorneys general to challenge President Barack Obama's regulatory agenda. He sued or took part in legal actions against the EPA 14 times.

Democrats and environmentalists opposed Pruitt's nomination to lead the EPA due to his close relationship with fossil fuel companies and his history of casting doubt on climate change. Conservatives and the energy industry have cheered his efforts to push back on what they view as over-regulation under Obama.

Pruitt maintained on Thursday it's possible to be pro-growth, pro-jobs and pro-environment all at once.

"This idea that if you're pro-environment you're anti-energy is just something we've got to change so that attitude is something we're working on very much," he said.

Pruitt also called the Paris Agreement, an international accord aimed at mitigating the impacts of climate change, "a bad deal."

"I happen to think the Paris accord, the Paris treaty, or the Paris Agreement, if you will, should have been treated as a treaty, should have gone through senate confirmation. That's a concern," he said.

The Paris Agreement was negotiated by the State Department, and future adherence to U.S. commitments made under Obama will be guided by current Secretary of State Rex Tillerson.

Bloomberg BNA

http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=106790562&vname=dennotallissues&wsn=499970

Trump's Water Promises Face Challenges in 115th Congress

By Sarah Babbage and Adam Schank 3/9/17

President Donald Trump promised a major new investment in infrastructure, including water projects, during his campaign.

His budget proposal, however, is said to propose a 25 percent cut to the budget of the Environmental Protection Agency, which administers many water programs. Financing for water projects could also be imperiled by a tax code overhaul, though it could also benefit from the new administration's drive to cut regulations.

Revolving Loan Funding vs. EPA Cuts

One of Trump's campaign promises was to triple funding for the state revolving loan programs that help state and local governments upgrade their drinking and waste water infrastructure.

The funds had an annual allotment of $2.2 billion in fiscal 2016, requiring another $4.4 billion to meet the president's goal. If Congress provided funding in line with Trump's proposal, tripled revolving funds would leave little space for any other EPA programs.

The EPA is currently operating under an annualized budget of $8.3 billion, including $120 million in supplemental funding for lead contamination in the Flint, Michigan, water supply. The funds were provided under the continuing resolution that expires on April 28, and further action will be needed to keep the agency operating after that date.

While EPA's budget has been relatively flat in recent years, the current level is still less than the $8.7 billion provided in fiscal 2011.

Whither the Municipal Bond Tax Break?

Water authorities and other municipal governments are pre-emptively defending the tax exemption for municipal bond interest, which politicians from both sides of the aisle have previously eyed as an offset for tax cuts.

The tax preference, which Treasury predicts will cost $565 billion over the next decade, allows state and local governments to issue bonds at lower interest rates that are attractive to investors because the interest is tax-free. The House Republican tax reform blueprint proposed closing most credits and deductions to offset cuts to personal and corporate tax rates.

At least 70 percent of water utilities use municipal bonds to finance their capital investments. Municipal governments issued $34 billion in bonds to fund water projects in 2014.

Trump has said he supports the exemption. If Republicans' other major tax pay-for -- the controversial border adjustment tax -- can't get through Congress, it's more likely to be capped or eliminated to generate revenue to offset tax cuts.

$1 Trillion for Infrastructure

Trump's water infrastructure push was part of his campaign promise to spend as much as $1 trillion on infrastructure, which he called on Congress last week to fund through a combination of public and private dollars.

Although his speech barely mentioned water, EPA Administrator Scott Pruitt wants it included in the investment. "One of the things I've tried, in communicating to the White House, is that when we talk about infrastructure spending outside of the budget this year, water infrastructure needs to be part of that," Pruitt said in an interview with Bloomberg BNA.

A $1 trillion investment is substantially more than any recent proposal. Hillary Clinton proposed a $275 billion investment, while the 2009 stimulus law appropriated $150 billion for infrastructure.

Financing Options

Trump's campaign proposed a one-time 10 percent tax on the $2.6 trillion in profits that corporations have been holding overseas to avoid the U.S.'s 35 percent top tax rate, and using some of the revenue for infrastructure. The House GOP tax blueprint also proposed a deemed repatriation tax, but would use the proceeds to pay for personal and corporate tax cuts.

Congressional Democrats, however, have shown an interest in funding infrastructure through repatriation, so it could be used as a bipartisan bargaining chip.

The Trump campaign also released a white paper that proposed raising $167 billion from private investors that would leverage debt financing for a total investment of $1 trillion. Investors would receive an 82 percent tax credit for their investment, and the government would pay for it through the increased tax revenue from contractor profits and worker wages, the paper said.

Democrats have characterized the plan as a tax giveaway and have said it's a non-starter.

Finally, Trump criticized Clinton for proposing an infrastructure bank during her 2016 campaign, but Treasury Secretary Steven Mnuchin has since said it's worth considering. Infrastructure banks pair federal seed money with private dollars to fund projects that are generally large or of regional significance.

In addition to possible skepticism from Trump, an infrastructure bank could face opposition from other Republicans. Pennsylvania Republican Bill Shuster, chairman of the House

Transportation and Infrastructure Committee, called the idea "a boondoggle" in a Feb. 7 interview with Bloomberg News.

Regulatory Rollbacks

Republicans in Congress are attempting to advance a package to repeal and replace the Affordable Care Act, and have said they'll tackle the tax code next. That leaves little room on the spring calendar, which adds to the challenges of funding and assembling a major infrastructure package.

Water entities could, however, benefit from Trump's promise to roll back regulations and speed up review processes.

An executive order signed Jan. 24 would allow governors or the head of a federal agency to designate an infrastructure project as high priority. If the administration agreed, the project would qualify for expedited procedures to get through its environmental reviews.

House Natural Resources Committee Chairman Rob Bishop, a Utah Republican, has also said he wants to take a close look at federal environmental laws to speed up the permitting and review process under the National Environmental Policy Act.

Making those changes legislatively will be difficult as any bill will need to obtain 60 votes in the Senate to overcome a likely filibuster from Democrats.

Bloomberg BNA

http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=106790572&vname=dennotallissues&wsn=499965

Great Lakes Representatives Demand Threatened Cleanup Money

By Sylvia Carignan 3/9/17

A proposal to chop over 90 percent of federal funding for Great Lakes cleanup would "reverse years of progress," three representatives told a House subcommittee March 7.

The proposal came from the Office of Management and Budget earlier this month. The cut would bring the Environmental Protection Agency's budget for the Great Lakes Restoration Initiative from $300 million a year to $10 million annually.

The proposal is subject to agency and congressional approval, but Reps. Sandy Levin (D-Mich.), David Joyce (R-Ohio) and Louise Slaughter (D-N.Y.) made clear they will fight it. The multi-agency restoration initiative started in 2010 to focus on cleaning up contaminated areas of the Great Lakes, reduce nutrient runoff, restore native species' habitats and control invasive species.

Great Lakes cleanup resources "have supplemented agency budgets to fund coordinated efforts to protect and restore the Great Lakes ecosystem, and we must ensure that this important work continues," they wrote to the House appropriations committee's Interior and Environment subcommittee. "Halting this commitment would reverse years of progress, dramatically reduce the [Great Lakes Restoration Initiative's] impact, and jeopardize the environmental and economic health of the region."

Deep Cuts

Levin, Joyce and Slaughter are leading the effort to get their colleagues' support on the letter this month. More than 50 members of Congress signed a similar letter asking for continued Great Lakes funding in 2016.

Matt Doss, policy director at the Great Lakes Commission in Ann Arbor, Mich., said the $10 million allocation would not only hobble cleanup efforts, but wouldn't be enough funding to support the EPA's Great Lakes program office.

Bill Becker, executive director of the National Association of Clean Air Agencies, spread word about the proposed cuts in an email he sent to his members March 1.

According to Becker, the OMB's proposal for the EPA slashed staff and grants to states as well as the Great Lakes Restoration Initiative. A group representing U.S. and Canadian mayors in the Great Lakes also has warned the proposed cuts to the initiative would be devastating.

E&E News

http://www.eenews.net/climatewire/2017/03/09/stories/1060051168

Pruitt's first moves worry enviros, open records advocates

By Niina Heikkinen 3/9/17

Ethical and legal questions that dogged Scott Pruitt's nomination process are continuing to shadow his first weeks as U.S. EPA administrator.

From concerns about transparency with his use of private email for official business as Oklahoma attorney general to questions about conflict of interest stemming from his new role at an agency he sued more than a dozen times, environmental and advocacy groups are keeping a close eye on the actions of the new administrator.

Environmental groups called foul late last week when Pruitt canceled an information collection request (ICR) on methane emissions from oil and gas facilities.

The Obama administration had started gathering information from the industry in

preparation for writing regulations to control methane emissions and other greenhouse gases from existing sources. EPA finalized regulations on methane for new and modified sources, the New Source Performance Standards, last year. Pruitt halted the ICR a day after receiving a letter from nine attorneys general and two governors. They contended that collecting the data was too expensive and burdensome to the fossil fuel industry.

"There is extremely well-documented and well-founded reasons to collect this information, and at a stroke of a pen to reverse that at the industry's bidding, it surely looks like EPA is at the beck and call of industry, and there is no justification that we can see for that request to be withdrawn," said Vera Pardee, senior counsel at the Center for Biological Diversity.

She noted that once EPA regulates new sources, the agency has an obligation to "create guidance" for existing sources, too.

The move sent a "strong signal" that the administrator would not move forward with controlling methane emissions, said David Doniger, senior attorney at the Natural Resources Defense Council's climate and clean air program.

That might mean legal trouble ahead for Pruitt if he indeed does not go forward with regulating methane under the Clean Air Act and the new source regulation stays on the books. Environmental groups did not comment on whether they would pursue legal action against the agency. However, yesterday NRDC filed a Freedom of Information Act request with EPA to determine whom Pruitt was communicating with about the ICR prior to making the decision to cancel it.

"It has the hallmark of decision that is legally vulnerable," said Sean Donahue, legal counsel for the Environmental Defense Fund.

Donahue noted that the letter was signed by attorneys general who are close to Pruitt, as well as the new Oklahoma attorney general, Mike Hunter, who had served as Pruitt's first assistant attorney general.

"[Pruitt] holds himself out as protecting states, but he uses regard for federalism as a euphemism for a regard for industry interest," Donahue said. "But in this issue, there are states on both sides, and there are states that believe that [methane] is threatening imminent harm. It doesn't seem like he understands that he is in a new job and he represents everyone."

Pruitt supporters hail end to 'onerous' regs

EPA did not return a request to comment on whether the agency would be moving forward with methane regulations at a later date. Last year, as Oklahoma attorney general, Pruitt joined in a lawsuit brought by West Virginia against EPA, challenging the rule regulating methane for new sources.

Representatives of the fossil fuel industry maintain that the information collection process

was poorly timed and badly handled by the Obama administration and was being challenged well before Pruitt was confirmed as EPA administrator.

"I think the environmental groups are just very upset because they were counting on a different administration that would move forward with very onerous existing source rules," said Kathleen Sgamma, president of the Western Energy Alliance.

"The bottom line was this ICR was rushed at the last minute, it was not well thought-out and was asking for data that would have overwhelmed the agency. It was sending out a huge net to trawl in all kinds of data that would not be useful for regulating methane," she said.

The challenge to the ICR was not in opposition to providing data about methane emissions, at least according to the Independent Petroleum Association of America. Instead, it had objected in part because the agency did not follow advice to seek out data that were already publicly available through state agencies and the private website Drillinginfo, said Lee Fuller, executive vice president of IPAA.

Fuller said IPAA had provided public comment to EPA under the Obama administration, and then had requested a halt to the ICR once Donald Trump was elected president, especially since there is ongoing litigation challenging the new source regulations.

"We started talking to the transition team with the Trump administration, so the new administration could make a decision about whether it would want to pursue the same pathway as the Obama administration. We continued to urge them to reconsider the approach and well before there was any administrator," said Fuller.

He called the decision to terminate the ICR the "right course of action."

Transparency an ongoing concern

As environmental groups seek to dig into Pruitt's communications with industry and his former attorney general colleagues, they may run into another problem: access to his email.

Advocacy groups say there could be cause for concern about transparency at a Pruitt-led EPA, after a recent court case against the former Oklahoma attorney general revealed he had used private email, at least on occasion, to conduct official business.

"The problem is, we don't know how extensive his use of personal email was, we had very few examples of him using his Oklahoma [attorney general] account, there is a lingering question over how prevalent it was," said Nick Surgey, research director at the Center for Media and Democracy.

"We're asking the court to ensure that Scott Pruitt's [personal] email account was searched for and any emails that should have been included in the request to us," Surgey said.

Pruitt's use of private email was not in accordance with the "spirit of the law," said Alex Howard, deputy director of the Sunlight Foundation, an open-government advocacy organization.

"Certainly if an official does have a pattern of using private messaging, then people will naturally put those people under more scrutiny for using that approach," Howard said.

If Pruitt did use a private email as EPA administrator, the public would have a hard time getting access to the records unless the private account is leaked or made public in some way.

Barrasso 'pleased' Pruitt will now stick to EPA email

While it's possible to submit a FOIA request for the administrator's personal email, there has to be some sort of record or trail showing its existence, said Aaron Scherb, director of legislative affairs at Common Cause, a lobbying organization.

"You can't just say any private email address that John Doe could use," said Scherb.

The EPA administrator joins Vice President Mike Pence and former Secretary of State Hillary Clinton as the latest politician to be publicly outed for using personal email for official business.

While they may be the most prominent recent examples, the use of personal email, personal devices and private messaging apps is common practice in all levels of government and among all parties, according to Howard.

"Sometimes it's a matter of convenience, sometimes it's intentional," Howard said. "This is the digital equivalent of stepping out into the hallway to have a conversation that's not on the record."

Now that Pruitt is working at a federal level, he will be subject to more public laws and record requirements than he was as a state attorney general. But short of putting politicians under 24-hour surveillance, there is no way to prevent these kinds of communications from happening, Howard said.

"We have to trust them that they are going to do their best to follow the law," he said.

A spokesman for Sen. John Barrasso (R-Wyo.), head of the Senate Environmental and Public Works Committee, said in an email that the senator had asked Pruitt about whether he would use personal email to conduct EPA business during his confirmation hearing.

"The chairman asked Pruitt if he would commit to only using his EPA email account for official EPA business. The chairman was pleased that Pruitt agreed," the spokesman said.

E&E News

http://www.eenews.net/climatewire/2017/03/09/stories/1060051196

The Clean Power Plan is gone – and there's no 'replace'

By Evan Lehmann 3/9/17

The White House intends to unravel the Clean Power Plan without providing a replacement, according to a source briefed on the issue.

An executive order expected to be released next week also instructs the Justice Department to effectively withdraw its legal defense of the climate rule in the U.S. Court of Appeals for the District of Columbia Circuit. The move aligns the White House with about two dozen Republican state attorneys general who are challenging the way the rule restricts greenhouse gas emissions at power plants.

The result, if successful, would mean the case is "frozen in place," the source said, preventing the D.C. Circuit, which has six judges appointed by Democrats and four by Republicans, from issuing an opinion this spring. Other legal experts say the case could continue if states or other groups go on defending the rule.

"Justice goes to the court and says ... 'Don't waste your time trying to put together an opinion when the legal basis for the case that you're reviewing could potentially go away,'" the source said. "Normally, a court will grant that. There's no guarantee."

It was unclear until now if the Trump administration would "repeal and replace" the Clean Power Plan, or just set upon a path to undo it. Some had anticipated that the Trump administration might pursue an alternative and much less stringent rule, but the executive order will only call for the withdrawal of the regulation.

That raises questions about whether EPA would fail to satisfy legal requirements to regulate carbon dioxide and other climate pollutants.

The agency in 2009, responding to the Supreme Court, determined that greenhouse gases endanger human health. That requires EPA to regulate emissions, and the agency did that by promulgating the Clean Power Plan.

"I think, as a matter of law, that carbon is a pollutant has been settled," said Christine Todd Whitman, who served as EPA administrator under President George W. Bush. "EPA has to act once you have that kind of a finding."

Waiting for the 'right time'?

The new details are surfacing as the White House confirmed yesterday that the executive order's release would be delayed. It was scheduled to be signed by President Trump this week. Now that will likely occur next week.

The delay follows successful efforts by Ivanka Trump, the president's daughter, and her husband, Jared Kushner, to remove language from the order that was critical of the Paris Agreement on climate change.

The current order does not refer to the global pact, and the source said that issue did not hold up the order's release. The delay was caused by the rise of other priorities, including the release of the Republican health care proposal Monday, the source said.

Trump also caused unforeseen turbulence Saturday by accusing former President Obama of wiretapping Trump Tower.

Coal companies and mining groups, which Trump described as being victimized by the climate rule on the campaign trail, have waited patiently through the delays. But now that he's 49 days into his presidency, there are subtle signs that industry wishes he would act more swiftly.

Jeff Holmstead, a former assistant EPA administrator under Bush who represents opponents to the rule, said it's likely the White House is waiting for the right time to unveil the rule with maximum effect.

"I hope it's soon," he added. "I think everybody, certainly all of my clients, think the Clean Power Plan is dead. But there's always uncertainties."

Fresh lawsuits await

For some Democrats, the order represents a tightrope walk. It's bound to be challenged in court by liberal state attorneys general and environmental groups for not providing an alternative to the Clean Power Plan. But if it did provide one, Republicans in coal states would likely feel that Trump had abandoned his campaign promise to terminate the regulation.

"It's not like [Senate Majority Leader] Mitch McConnell [R-Ky.] will say, 'OK, they're gonna do a new rulemaking on power plants, so I'm sure it'll be better,'" said Heather Zichal, Obama's former climate adviser. "They fundamentally don't think coal plants should be held accountable for their carbon pollution. So how do you deal with that piece? I think politically that's hard for them."

Environmental groups are already promising to sue EPA for failing to comply with its own endangerment finding.

"If EPA withdraws [the rule] and does not replace it with strong standards, we will challenge the agency's action in court," said Joanne Spalding, the chief climate counsel at the Sierra Club.

The administration anticipates that. The executive order instructs EPA to "revise or rescind"

the Clean Power Plan, wording that's meant to comply with the Administrative Procedure Act by letting EPA, not the White House, determine the fate of the rule.

The agency will then go through the long rulemaking process. But rather than promulgating a new rule, it will terminate an existing one. It will post notice and take comments and then put out a proposed rule. After accepting more comment, the action will be finalized. Then the administration is "off to the races in court," the source said.

The Clean Power Plan is just one part of the executive order, which is geared around "energy independence."

It does not address the endangerment finding, which is the underpinning of current and future EPA regulations on greenhouse gases. No decision has been made by White House officials about whether to attack the finding in subsequent actions, the source said.

"That is a huge issue," the source said. "That's just going to require a lot of thinking."

InsideClimate News

https://insideclimatenews.org/news/09032017/epa-environmental-justice-mustafa-ali-flint-water-crisis-dakota-access-pipeline-trump-scott-pruitt

Chief Environmental Justice Official at EPA Resigns, With Plea to Pruitt to Protect Vulnerable Communities

By Phil Mckenna 3/9/17

The head of the environmental justice program at the Environmental Protection Agency has stepped down, departing the government with a lengthy letter to Scott Pruitt, the EPA's new administrator, urging him not to kill the agency's programs.

Mustafa Ali, a senior adviser and assistant associate administrator at the agency, worked to alleviate the impact of air, water and industrial pollution on poverty-stricken towns and neighborhoods during nearly a quarter century with the EPA. He helped found the environmental justice office, then the environmental equity office, in 1992, during the presidency of President George H.W. Bush.

Ali leaves the EPA as Pruitt, who took office Feb. 17, prepares to implement deep cuts in the agency's budget and staff. A Trump administration proposal would cut the EPA's $8 billion budget by $2 billion and reduce its roster of 15,000 employees by 20 percent. An internal memo obtained by multiple news outlets on March 1 called for a complete dismantling of the office of environmental justice and elimination of a number of grant programs that address low-income and minority communities. A story in the Oregonian reported that funding for the office would decrease 78 percent, from $6.7 million to $1.5 million.

Justice issues have become an environmental focal point in recent years—most recently in the battle to clean up lead-contaminated water in Flint, Mich., a largely African-American community, and in the fight to stop the nearly completed Dakota Access pipeline just upstream of the Standing Rock Reservation in North Dakota.

"I think it's going to be one of the major civil rights issues of the 21st century," said Benjamin Wilson, head of the National Environmental Justice Conference and chairman of the law firm Beveridge & Diamond. "It's going to become increasingly not simply local but regional, national and international in scope."

Ali said he has received no indication that the adviser position or his job as assistant associate administrator in the agency's Office of Enforcement and Compliance Assurance will be filled by the Trump administration. EPA officials declined to comment on the positions.

The EPA made strides during the Obama administration to address environmental justice concerns, including incorporating equity into regulatory decision-making, and adopting a long-term strategy in its EJ 2020 Action Agenda. The agency was, however, heavily criticized for not doing enough to address environmental concerns of low-income and minority populations.

Ali said in an interview that he considers the shielding of poor and minority neighborhoods from the effects of pollution a crucial function of the EPA, but that the agency's new leaders have not given "any indication that they are focused or interested in helping those vulnerable communities. My values and priorities seem to be different than our current leadership and because of that I feel that it's best if I take my talents elsewhere."

Still, in his resignation letter, which was devoid of rancor, Ali urged former Oklahoma Attorney General Pruitt, a longtime opponent of EPA regulation, to reconsider proposed cuts to environmental justice programs. "When I hear we are considering making cuts to grant programs like the EJ small grants or Collaborative Problem Solving programs, which have assisted over 1,400 communities, I wonder if our new leadership has had the opportunity to converse with those who need our help the most," Ali wrote. "I strongly encourage you and your team to continue promoting agency efforts to validate these communities' concerns, and value their lives."

Meanwhile, the power that Ali once wielded inside the EPA has been dissipated. His position as senior adviser to the EPA administrator was eliminated in January when Obama's EPA chief Gina McCarthy left, he said.

"I am heartbroken that Mustafa feels that his time of productivity in the agency has passed," McCarthy said in an interview. "He managed the interagency working group on environmental justice," she said, referring to a conclave of federal agencies that met to discuss common concerns. "So when I say we brought actions and strategies to the table, it wasn't just EPA, it was throughout the federal government."

Part of the environmental justice program's strategy was to help leverage its relatively small grants into large programs. The town of Spartanburg, South Carolina, for example, received a $20,000 environmental justice grant to help clean up contaminated industrial sites in the town. Spartanburg ultimately raised more than $270 million from public and

private sources and used the recovered land to build housing, a job training facility and health centers.

"You're talking about a community that was devastated and that raised itself up because you had great community members and they had somebody who listened to them at the federal government," McCarthy said. "Mustafa was one of those people. I went to that community. I sat with the mayor. He gave me a key to the city. We were sitting in a community center that had been developed as a result of this small start, where somebody paid attention to that community and it happened to be EPA."

Cynthia Giles, assistant administrator for the Office of Enforcement and Compliance Assurance in the Obama administration, cites the town of Tonawanda, New York, to which the EPA gave a small grant to conduct ambient air monitoring. The grant "ultimately led to a criminal case that EPA brought against Tonawanda Coke Corporation for high levels of benzene emissions," Giles said.

Giles said there is no economic justification for killing the justice program. "The money that is involved is not noticeable in the overall scheme of budgets," she said. "The only reason to eliminate it would be to send a message—that they don't care about the needs of the most vulnerable communities."

"We've had both [Republican and Democratic administrations] over time and none of them tried to do anything to destroy what the previous administration had done," Ali said. "Folks are just hoping that this one will wake up and see value in continuing this important work."

Yet Ali sees nothing in Pruitt's background to support that hope. He repeatedly sued the EPA for its efforts to regulate CO2 emissions, mercury and other forms of pollution. "When the administrator was in Oklahoma I do not know of any time that he made environmental justice a priority," Ali said.

Pruitt tweeted last month he was dedicated to working with "stakeholders—industry, farmers, ranchers, business owners—on traditional values of environmental stewardship."

Some of the responses the tweet garnered included: "What about environmental advocates?" "What about...people w/o access to safe water & air? Our children?" And "what about ordinary citizens."

In a February statement, advocacy group We Act for Environmental Justice said of Pruitt: "His record indicates he lacks awareness or concern for communities impacted by asthma and other environmental health-related issues."

Ali, who grew up near a coal-fired power plant in West Virginia, interned in the office of William Reilly, the agency's third administrator, before joining as a staff member in the newly formed office of environmental equity in Nov. 1992. From 2007-2008, Ali worked on Capitol Hill in the office of Congressman John Conyers before returning to the EPA. He proudly boasts that he has worked on environmental justice issues in more than 500 communities.

"His work and the work of the EPA has helped empower people, and whenever we can have a clear articulation of the issues, it's amazing the common ground that can be

reached by people on opposing sides," Wilson said. "But if we never have that discussion, that frustration festers and that is never good."

Ali will join Hip Hop Caucus as a senior vice president. The group is a non-profit that aims to promote political activism for young U.S. voters through hip-hop music and culture. He is scheduled to speak Thursday at an environmental justice conference in Flint, in his first public appearance with the organization.

"What I'm hoping to do is highlight that environmental justice needs to continue to happen," Ali said, "that there are opportunities to make it happen, and that if we don't do it there will be huge public health impacts."

LA Times

http://www.latimes.com/politics/la-na-pol-regulatory-reform-science-20170309-story.html

What's at stake as the GOP moves to slash regulations? For starters, clean air

By Evan Halper 3/9/17 3:00 AM

Amid the Republican backlash against federal scientists who write rules governing everything from movie theater popcorn to offshore oil drilling, stories abound of overburdened businesses, heavy-handed civil servants and crushing paperwork.

But another story, one involving a deadly household material, offers a lesson in what can go wrong when government experts are shackled, as currently envisioned under a sweeping regulatory reform bill gliding toward President Trump's desk.

The GOP-backed legislation revives many of the rule-making hurdles that for years crippled the government's ability to respond to the asbestos-exposure epidemic, which has been blamed for tens of thousands of American deaths.

"I don't think lawmakers are focusing on how extreme this legislation is," said Paul Billings, lobbyist for the American Lung Assn., which has joined several major public health groups imploring congressional leaders to apply the brakes. "It has been viewed as this abstraction that creates improvements in the regulatory process. This would undermine bedrock public health laws."

The linchpin of the 87-page proposal is a directive to regulators that may be impossible to meet. They would have to prove they have taken the least costly option possible to business before imposing any major new rule. A similar mandate became stifling when applied for decades to the regulation of chemicals such as asbestos because it allowed companies to keep rules at bay by continually arguing for cheaper approaches.

The Environmental Protection Agency gave up trying to ban the substance in 1991, after a

federal appeals court ruled it had not proved its regulation was the least financially burdensome approach. The decision became a rallying point for overhauling the Toxic Substances Control Act, which guides EPA authority over such chemicals. The act finally was revised last year, and in November, the EPA announced asbestos was among the first chemicals it was targeting with its new authority to require safety reviews.

By then, however, there was not much left for the EPA to do on asbestos, after legions of cancer victims took matters into their own hands with civil actions that bankrupted the industry. But the years of government inaction took their toll. A quarter-century later, nearly 15,000 Americans still die annually of diseases caused by asbestos exposure during their lifetime, according to the Asbestos Disease Awareness Organization.

The new GOP regulatory reform bill, which swiftly passed the House in January without committee debate, would apply the same test that hobbled regulators on asbestos to every major rule the government wants to impose. That includes setting Clean Air Act limits for how much toxic pollution can be released into the air in dense, asthma-infested urban areas like Los Angeles. Car safety, food safety, worker safety and consumer product safety rule-making also would be affected.

The far-reaching plan has been overshadowed by more immediate headlines springing from the White House, where wiretapping conspiracies, travel bans and Obamacare repeal anxieties are consuming the oxygen. Even the regulatory reform blueprint's name — the Regulatory Accountability Review Act — is sleep-inducing, masking the gravity of a proposal the U.S. Chamber of Commerce has placed among its top political priorities at a time when its influence in Washington has surged.

The chamber has invested tens of millions of dollars in lobbying for and promoting the bill, HR 5. It alerted lawmakers just before the measure passed the House in January that it "is a long-standing priority for the chamber" that is "long overdue." Lawmakers were cautioned in the letter against supporting any amendments that would moderate the proposed law, warning that such action could reflect unfavorably on the politically potent voting scorecard that the organization publishes to rank lawmakers.

While there are several dramatic proposals before Congress to rein in federal rule-makers, lobbyists are advising clients that the bill is one that actually stands a good chance of advancing to a president who is urgently looking to deliver a blow to the bureaucracy. A few moderate Democrats in the Senate already have expressed interest in helping the GOP leadership secure the 60 votes it needs for passage.

Supporters offer a cache of statistics that frame the bill as a common sense plan to give corporations some influence over a regulatory process they say is suffocating them. They point to a spike over the past 15 years in complex federal rules costing businesses more than a billion dollars, and showcase estimates concluding the rules have become such a drag on the economy that they are costing the average American family $15,000 per year.

"There is a legitimate question of whether you really need this continued churning and

accumulation of all these regulations," said Susan Dudley, who worked on regulatory reform at the George W. Bush White House and is now director of Regulatory Studies Center at George Washington University.

But others warn the legislation threatens to go considerably further than slowing the churn of rule-making. It directs agencies that for decades have used science alone in crafting major public health and worker safety protections to change course and find the most cost-effective approach for business.

"It's not hard to look down the line and see the problems this would create," said Thomas McGarity, professor of administrative law at the University of Texas. He cited several major public safety challenges with which regulators are wrestling and the potentially tragic consequences of cutting corners on oversight, from undrinkable water in cities like Flint, Mich., to blueprints for self-driving 18-wheelers.

Beyond requiring a cost analysis, the legislation also would put dozens of new obstacles on federal agencies before they can finalize a new rule — a process that already takes years. Companies that don't like the approach would be empowered with a bounty of new opportunities to file legal challenges and demand reviews.

Yogin Kothari, a lobbyist at the Environmental Working Group, sees irony in it all: "Their solution to too much bureaucracy and red tape is adding more red tape."

Clean Air Act enforcement, which is based on a painstaking analysis of such factors as how many lives would be saved and cases of asthma averted, could be altered drastically. The toll those rules take on corporate profits would gain new currency. Public health officials warn that enforcement of tobacco laws also would be inhibited.

The Consumers Union advised lawmakers that other landmark protections, including the Consumer Product Safety Act and the Securities Exchange Act, would be weakened substantially. "This dangerous proposal would do severe damage to protections consumers depend on," the group wrote to lawmakers.

Yet the bill's champions in Congress are undeterred. Among them are Rep. Doug Collins (R-Georgia), who took to the House floor the same day Consumers Union sent its plea.

"It is time we demand the voice of the American people be heard," Collins said just before casting his vote in favor of the bill, "rather than letting the others up here, separated in cubicles, decide what is best."

Inside EPA

https://insideepa.com/daily-news/ecos-mounts-defense-epas-state-funding-assistance-fy18-cuts

ECOS Mounts Defense OF EPA's State Funding Assistance from FY18 Cuts

By David LaRoss and Doug Obey 3/8/17

The Environmental Council of the States (ECOS) is mounting a strong defense of EPA grants and other programs that support state activities from the Trump administration's suggested massive cuts to agency funding in fiscal year 2018, warning the cuts could threaten states' ability to meet a wide range of environmental protection goals.

In an exclusive March 8 interview with *Inside EPA*, ECOS President John Linc Stine -- who also serves as commissioner of the Minnesota Pollution Control Agency -- said the council, which represents many state environment regulators, is planning meetings with White House officials and members of Congress in the coming weeks to urge them to defend areas of EPA's budget that provide direct funding support to states.

A reduction in EPA's FY18 budget "has the potential of cutting across the entirety of our activities, but it's unclear until we see the entirety of their budget document what areas they're proposing to reduce," Stine said, with the Trump administration said to consider up to a 25 percent cut to EPA's existing $8.1 billion funding, including possibly reducing EPA's 10 regional offices to eight.

He told *Inside EPA* that ECOS is scheduling meetings with White House Office of Management & Budget (OMB) officials and legislators "to advise them of our concerns."

But the states are also acknowledging that any cuts to EPA will almost certainly impact them in some way, because "it's all a priority for state agencies like ours," he said.

In a separate March 7 interview, ECOS Executive Director and General Counsel Alex Dunn said cuts could be especially harmful when they affect programs where states have accepted delegated authority from EPA with a promise of federal funding -- and could discourage states from seeking such delegation.

For instance, she said budget cuts might complicate efforts by states like Massachusetts,

which is currently weighing accepting delegated authority over the Clean Water Act discharge permit program.

"The natural question from Massachusetts legislature will be, we are going to take on performing a service or an activity previously done by EPA Region 1. How much will EPA be giving us to assist? . . . When you look at a new delegation it becomes clear that new federal funding should be a part of" the process, she said.

ECOS' Concerns

ECOS has previously raised concerns that the White House's plan to cut EPA's budget significantly may renege on commitments by agency Administrator Scott Pruitt to preserve state grants as he works to return much of the responsibility for implementing environmental programs to states.

In a March 1 letter to Pruitt and OMB Director Mick Mulvaney, ECOS questioned the proposed cuts in light of Feb. 25 remarks by Pruitt at the Conservative Political Action Conference where he called states and EPA "partners, not adversaries," and said, "help is on the way."

While the Trump administration has yet to release its formal budget request for FY18, OMB's initial "pass back" includes a 25 percent cut to EPA's current $8.14 billion overall budget and a 30 percent cut to many grant programs.

OMB's threatened cuts for EPA have raised concerns among a wide array of stakeholders, including industry and states, that EPA could be left without the funds needed to perform mandatory duties such as providing resources to state environment departments that lack the ability to operate solely on state funds.

"When I look at our budget in Minnesota for example, we receive $25 million a year in EPA grant funds not including the Great Lakes Restoration Initiative project dollars," Stine told *Inside EPA*.

He said EPA money "across our grants" supports monitoring for "air, land and water contamination," state regulators' permitting and enforcement work, and contaminated site cleanups including but not limited to the Superfund and brownfields programs.

In the separate interview, Dunn said, "States have made it pretty clear that core funding for the air, water, land programs needs to remain whole."

Regional Offices

Beyond threats to federal funds, Stine added that a plan to possibly close EPA regional offices is concerning to state officials, both because states receive technical and regulatory assistance from regional officials and because some high-profile program efforts like the Great Lakes Restoration Initiative (GLRI) are operated by the regions.

The effect of shuttering regional offices "really does depend on the transactional requirements for each regional office, but it would be a concern because if you're going to have a change . . . there's always a transitional period where things get less efficient and less clear for people, so there's time that gets consumed in trying to sort that all out," he said.

As part of the budget planning process, OMB is requiring EPA to craft a plan for consolidating the current 10 regional offices down to eight in order to realize "efficiencies" -- though it is unclear how likely it is that such a plan will make it into the budget request.

"I know that there are some of the regions that are having a conversation with the states, I think the Western states," but there are no indications of whether the consolidation will happen, Stine said. He noted that along with GLRI, restoration efforts for the Chesapeake Bay, Puget Sound and San Francisco Bay are all administered through EPA regional offices.

However, he did not dismiss the idea that consolidating regions could ultimately make EPA

more efficient. Beyond the initial "transitional period," it is "too soon to tell whether it has a positive, negative or neutral impact at this point," Stine said.

EPA Budget

ECOS discussed budget priorities with OMB staff during a "recent" phone call, Stine and Dunn told *Inside EPA*. There, the White House expressed interest in state input on EPA's budget, signaling that the administration will at least consider states' requests to shore up the agency's funding despite the GOP's long-standing push to dramatically cut its activities.

"It was pretty much a listening and gathering from their perspective. . . . They did ask us to be prepared to carefully review the budget and offer more comments," Stine said.

Dunn added that OMB appeared to be under pressure to broadly cut federal spending. "It is very clear . . . There is a very strong directive for all agencies to look very closely at the budget," she said.

Even though Pruitt has vowed to fight to preserve funds for his priorities -- such as water infrastructure assistance, site cleanups and attainment of existing water and air standards -- Stine said it is unclear what steps the agency's leadership is taking or could take to shore up the FY18 budget.

"We're aware that the agency is in dialogue with OMB about this . . . we've not received anything directly from Mr. Pruitt, but we've heard in communications with senior staff that they are looking closely at the budget for state programs," he said.

Dunn said pressure from the White House to cut spending seems to put Pruitt in a tough position, because maintaining state assistance will almost certainly mean deeper cuts to EPA's own programs if EPA's overall budget is in fact reduced.

"The challenge is defending the state programs when the inevitable next question is, what about the staff and the agency that he has to run as well?" she said, adding that if EPA avoids reducing state assistance then it will almost certainty have to cut resources and staff from program offices, prompting "some very difficult decisions."

ECOS' March 1 letter to Pruitt and Mulvaney called for an increase to state and tribal assistance grants (STAG), including the categorical grants that support states' and tribes' implementation of federal environmental mandates.

"Cuts to STAG categorical grants, or to EPA programs operated by states, will have profound impacts on states' ability to implement the core environmental programs as expected by our citizens," the letter said. -- *David LaRoss* (dlaross@iwpnews.com) *& Doug Obey* (dobey@iwpnews.com)

Quartz

https://qz.com/928236/the-word-science-has-disappeared-from-the-mission-statement-of-the-epas-office-of-science-and-technology/

Who needs "science" in an EPA Office of Science and Technology mission statement anyway?

By Zoe Schlanger 3/8/17

The branch of the US Environmental Protection Agency in charge of creating science-based clean water standards no longer has the word "science" in its mission statement.

Earlier this year, the stated mission of the Office of Science and Technology at the EPA's Water Office was "developing sound, science-based standards," and "scientific and technological foundations to achieve clean water," according to a copy of the EPA's website archived in January on the Internet Archive's Wayback Machine.

The text of the mission statement has changed; the office's mandate is now to create "economically and technologically achievable performance standards." The word "science-based" and "scientific" no longer appear.

A coalition of researchers called the Environmental Data and Governance Initiative, or EDGI, found the changes. They are monitoring about 25,000 government web pages for any modifications under the new administration, by comparing them to copies archived on the Internet Archive by "data rescuing" events staged by archivists and programmers at universities across the country. (EDGI also plans to track any data sets that are removed.)

EDGI researcher Gretchen Gehrke told the New Republic she worries the switch is not just a linguistic detail—that it may signal a change in policy.

Instead of a science-based approach to clean water requirements—where water must meet quality standards based on peer-reviewed toxicology science, and companies can choose how to meet those standards—calling for "economically and technologically achievable" standards puts greater emphasis on the economic impact of regulation, and may mean companies would install certain technologies determined by the EPA rather than comply with a specific water-quality standard.

The EDGI researchers have found a number of other notable website tweaks: Climate change reports have disappeared off of State Department websites, while a description of a federal fracking rule, and another about a methane emissions rule, have also gone missing from Interior Department web pages.

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To: Catanzaro, Michael J. EOP/WHO Ex. 6 - Personal Privacy
From: Schnare, David
Sent: Fri 3/3/2017 6:43:52 PM
Subject: Energy Independence EO

Mike:

I'm trying to get EPA prepared for this EO; getting ANPRM's ready for a quick hit, making plans to make plans, etc.

I'm working from a redline draft of the EO that is of questionable provenance and may be very stale. This version does not have anything on either withdrawing

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I just spoke with Doug Domenich (sp) over at DOI. He said you had given him the most recent

Ex. 5 - Deliberative Process

Can you give me a quick call to help sort this?

David Schnare 202-564-3073