UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 18 2019

OFFICE OF
CONGRESSIONAL AND
INTERGOVERNMENTAL
RELATIONS

The Honorable Betty McCollum
Chair
Subcommittee on Interior, Environment,
and Related Agencies
U.S. House of Representatives
Washington, D.C. 20515

Dear Chair McCollum:

On behalf of the U.S. Environmental Protection Agency, I am responding to your April 9, 2019, letter regarding testimony by Administrator Andrew Wheeler before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies.

Your letter makes unfounded claims that Administrator Wheeler's testimony before the Subcommittee attempted to "obfuscate" the status of a document requested by the Subcommittee.

During the Subcommittee hearing on April 2, 2019, in response to your questions, Administrator Wheeler made clear that the information that you are seeking is the subject of a Freedom of Information Act (FOIA) request and that the Agency was working to identify documents and information responsive to that request. As you are aware, the FOIA request mentioned by the Administrator is currently in litigation.

As a part of that litigation, the Agency has determined that the document you are seeking is deliberative and should be withheld under Exemption 5 of the FOIA, the deliberative process privilege. Given the EPA's determination that the document is deliberative, the Agency will not make it publicly available. In order to protect the Agency's interests and privileges with regard to this document, the EPA will respect the judicial process and intends to let it move forward and await a ruling by the court. When the judicial process has concluded, the Agency intends to update the Subcommittee on the ruling.

If you have further questions, you may contact me, or your staff may contact Travis Voyles in my office at Voyles.Travis@epa.gov or (202) 564-6399.

Sincerely,

Troy M. Lyons
Associate Administrator

cc: The Honorable David Joyce, Ranking Member