To: AO OPA OMR CLIPS[AO_OPA_OMR_CLIPS@epa.gov]
From: Sparacino, Jessica
Sent: Mon 9/11/2017 2:30:57 PM
Subject: Hot Air: That Battle Of EPA Vs AP Isn't Going Away, 9/11/17

Hot Air

https://hotair.com/archives/2017/09/09/battle-epa-vs-ap-isnt-going-away/

That Battle Of EPA Vs AP Isn't Going Away

By: Jazz Shaw 9/9/17, 1:01 p.m.

Last week we looked briefly at one of the Hurricane Harvey stories which landed with a bit of a thud. It was some coverage from Associated Press reporter Michael Biesecker which made certain claims about the supposed lack of preparation on the part of the EPA as they dealt with flooding at some toxic Supersites in Texas. The AP later updated their coverage with information the EPA provided, but there was clearly an issue with Biesecker.

The Hill took note of that on Thursday, seeming to take the AP's side to a certain extent, but also pointing out more of the history of disputed coverage by the reporter, specifically when writing about the EPA and Scott Pruitt. (This isn't unusual since Biesecker covers environmental issues so you'd expect him to be digging into such stories.)

The Environmental Protection Agency is all over Michael Biesecker, a reporter for the Associated Press. His reading habits, for instance. "We are able to see who opens our emails," says an EPA official, referring to press-release blasts sent out by the agency. "Michael very rarely opens a positive story about [EPA Administrator] Scott Pruitt. He only opens stories where he tries to create problems."

In addition to the most recent Harvey story, The Hill reminds us of another story from the same reporter earlier in the year. In that one, Biesecker claimed that Pruitt had, "met privately with the chief executive of Dow Chemical shortly before reversing his agency's push to ban a widely used pesticide after health studies showed it can harm children's brains, according to records obtained by The Associated Press." It was another dire sounding headline, but as the linked article confirms, there was a significant problem with it. That meeting never happened. Once again the AP published a correction, but that leads us to examine whether or not there's been a pattern developing here. They included some other incidents between the reporter and the EPA

Director dating back to his time serving as Oklahoma attorney general which might make you wonder.

While not along the same lines as a directly contradicted fact, it's interesting that the AP just ran yet another story by the same writer about similar toxic sites in Florida. In fact, it sounds remarkably similar to the Harvey story (and references it) but they go to two curious sources for their information. One is Betsy Southerland, who recently "quit" the agency in a huff with plenty of attacks on the Trump administration (though she actually retired and is collecting a very nice pension). The other is Stephen Sweeney, who they present as a subject matter expert and a former employee in the EPA's Office of Policy. He does indeed seem to be another "former employee" there, but looking at his Linkedin page and this information from the Federal Data Center, it appears that he was a paid intern with less than one year's experience who held the title of, Administration and Office Support Student Trainee.

Doesn't mean that the study information will prove to be off base, but it struck me as odd. I sent a request to the AP editors responsible for the story but didn't get an answer in time for publication.

With multiple incidents like this, it's natural to ask how the AP generally handles such issues. Without too much digging you'll find a similar error which was made back in 2013 by one of their veteran reporters, Bob Lewis. He wound up filing a story about prominent Democrat (and Clinton insider) Terry McAuliffe in which he accused him of lying to federal officials looking into some death benefits scam. It turned out to be an egregious error where McAuliffe wasn't involved and the AP issued a retraction inside of two hours. But the damage had been done and Lewis was unceremoniously fired. (Per Politico)

Some found the punishment to be a bit harsh, but even the Columbia Journalism Review concurred that the AP was right to fire Lewis. Frankly, even I thought that was a bit heavy handed. But if that's the standard then that's the standard.

And yet here we are in 2017 and several such articles requiring significant corrections have come and gone with nothing more than corrections being published. It's tough to ignore the obvious question here, specifically to ask whether the fact that Bob Lewis botched a story on a prominent Democrat and the incidents with Biesecker involved Scott Pruitt was a factor. This obviously isn't a war between the EPA and the entire organization of the Associated Press, but when it comes to this one reporter and the subject of his investigative journalism, is there a

double standard in effect?

___

Jessica Sparacino

US Environmental Protection Agency

Office of Public Affairs Intern

(202) 564-5327

WJCN 2502J

To: AO OPA OMR CLIPS[AO_OPA_OMR_CLIPS@epa.gov]
From: Sorokin, Nicholas
Sent: Mon 10/16/2017 2:17:26 PM
Subject: Washington Free Beacon: PBS airs anti- Pruitt documentary funded by environmentalist group backer, 10/16/17

Washington Free Beacon

http://freebeacon.com/politics/pbs-airs-anti-pruitt-documentary-funded-environmentalist-group-backer/

PBS airs anti- Pruitt documentary funded by environmentalist group backer

By Elizabeth Harrington, 10/16/17

A new PBS Frontline documentary that paints Environmental Protection Agency administrator Scott Pruitt as a tool for the fossil fuel industry received major funding from a group that has given hundreds of thousands of dollars to environmentalist activists like the Sierra Club.

The documentary, "War on the EPA," received major support from the Kendeda Fund, an Atlanta-based nonprofit focused on the environment and sustainability.

The documentary features interviews with numerous Obama administration backers, including Gina McCarthy, the former EPA administrator, and Betsy Southerland, a former EPA director making $250,000 who claimed earlier this year she resigned in protest because of the Trump administration's budget. Southerland was eligible for early retirement and told coworkers she was retiring because of family issues.

Southerland tells PBS that Pruitt's EPA is a "clear and present danger to public health and safety in this country."

The documentary calls critics of the Obama administration's wide-ranging regulatory actions targeting the coal industry and nuclear power plants "climate deniers" and "extreme." The PBS narrator refers to Sen. James Inhofe (R., Okla.) as "the Senate's leading climate change denier" and features Jane Mayer, a journalist with the New Yorker, calling the Trump EPA "radical."

"What you see now in the Trump administration is the triumph of the anti-environmental movement," Mayer says. "They are now in control of the government and in control of the regulatory process in a kind of a brazen way we haven't seen before."

Obama administration alums are depicted as crusaders against pollution, as they appear in interviews dismayed by President Trump and Pruitt following through on campaign promises to roll back environmental regulations.

Gina McCarthy said the repeal of the Clean Power Plan, which was blocked by the Supreme Court and could have shrunk the coal industry by nearly half, was "disturbing."

Eric Schaeffer, a former EPA director of civil enforcement, called Pruitt's EPA a "hostile takeover" and a "political operation."

Jerry Taylor, a former fellow at the Cato Institute who now is in favor of a carbon tax, tells PBS the "conservative narrative" of a war on coal was "disconnected from reality."

PBS does not include clips in the documentary of Obama and Hillary Clinton discussing the coal industry. Obama said, "electricity rates would necessarily skyrocket" under his cap and trade plan, while Clinton boasted during a debate, "We are going to put a lot of coal miners and coal companies out of business."

PBS also interviews Eric Lipton of the New York Times, who was bothered by paintings in Pruitt's old attorney general office in Oklahoma that pictured sheriffs in the Old West and a Native American sheriff.

"When I first got to [Pruitt's] office, there were these large paintings on the wall," Lipton said. "It just struck me that this was the real Wild West, that we will dispense our own justice." The camera zoomed in on the painted gun in a holster, as ominous music played.

PBS also attempts to tie Pruitt to the Koch brothers and paints a picture of the administrator receiving dark money from oil and gas companies.

PBS says, "Much of the Koch's fortune came from oil and gas, and they would spend millions opposing Obama's initiatives."

The documentary received major funding from Kendeda, which in turn has donated to many liberal groups that lobby for climate change regulations. On its website, Kendeda encourages "activism that promotes solutions to the social and equity challenges caused by climate change."

Kendeda has donated to numerous environmentalist activist organizations, including: $70,000 to the Sierra Club, $50,000 to Earthjustice, $50,000 to the Southern Alliance for Clean Energy, and $500,000 to the U.S. Climate Action Network in 2015.

A spokesperson for WGBH, which put on the documentary, told the Free Beacon that the Kendeda Fund did not directly fund the documentary.

"The Kendeda Fund provides support to many organizations and groups, including schools and military families, and they have provided funding to WGBH under their People, Place, and Planet program for use in a variety of WGBH programs," said Jeanne Hopkins, vice president for communications. "Some was used to support this FRONTLINE film, along with its many other funding sources. They did not directly fund this program."

"War on the EPA was a political story full of voices on both sides of a contentious issue," Hopkins continued. "The film spent considerable time illuminating the roots of conservative thinking and action towards the EPA and featured key figures from industry and the movement around Scott Pruitt, including Bob Murray, CEO of Murray Energy and Myron Ebell, the head of President Trump's EPA transition team."

The group also donated $250,000 to the New Venture Fund, which also supports

environmentalist organizations. The same year, New Venture Fund donated $515,000 to the Sierra Club Foundation and $95,000 to 350.org, which vows to "stop fossil fuels."

The documentary also features Andrew Miller, a lobbyist for Southern Company, who was asked by PBS if it was "unseemly" that oil and gas companies lobbied against Obama's environmental regulations and that Pruitt and other Republican attorneys general filed lawsuits to stop the rules.

"Not at all," Miller said. "And the reason I say that is you have the Sierra Club partnering with attorneys general on the other side."

"It's all part of the Democratic process," he said.

Update 8:14 a.m.: This post has been updated with comment from WGBH.

—

Nicholas Sorokin

Office of Media Relations Intern

U.S. Environmental Protection Agency

Telephone: (202) 564-5334

sorokin.nicholas@epa.gov

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Hewitt, James[hewitt.james@epa.gov]
From: Alexander Nazaryan
Sent: Wed 10/11/2017 8:18:59 PM
Subject: Re: Here is our statement for Newsweek

I don't think this response is to my query. I was specifically asking about administrator's visits --- or lack thereof -- to EPA regional offices.

On Wed, Oct 11, 2017 at 12:46 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

On-The-Record Statement … "We have a great working relationship with career EPA employees. In their own words, Mr. Cox said was planning his retirement before the new administration and Ms. Southerland said she was retiring due to a family issue. Despite the faux outrage, both employees will receive their six-figure taxpayer funded pension and we wish them the best." – EPA spokesman, Jahan Wilcox

BACKGROUND RESEARCH …

According to career EPA employee Joel Scheraga, he has a great working relationship with EPA employees. "Staff from the EPA's disbanded climate adaptation office are still doing the same work despite moving to different offices a few months ago, the head of the team told POLITICO. An EPA reorganization finalized last week revealed that the agency followed through with a plan set in in the spring to reassign four climate change adaptation employees to two different sections of the Office of Policy, which is run by Samantha Dravis, a longtime political strategist and top aide to Administrator Scott Pruitt. 'Unequivocally, the Office of Policy continues to support work on climate adaptation,' said Joel Scheraga, a veteran EPA employee and the agency's senior adviser for climate adaptation. 'Samantha Dravis has asked me to continue working on climate adaptation issues. The bottom line is that climate adaptation work continues.' … Scheraga said the agency wants to help make sure that as communities "invest literally billions of dollars in new [water] systems that they in fact are better prepared for these extreme weather events so that they don't overflow so that they don't spill raw sewage into our lakes and streams," for example. 'We work with the communities to provide them with the information and the tools that they have told us they need to address their needs,' Scheraga said. 'They have told us they need to deal with these more intense precipitation events, these storm surges, so that in fact they can continue to protect public health and the environment, again consistent with EPA's mission to ensure that they continue to protect water quality and can provide safe drinking water.' (Politico Pro, 09/11/17)

Michael Cox said his retirement was planned before Administrator Pruitt was nominated and confirmed by the Senate. "Cox said his own retirement had been long planned even before Trump's election, and that he's not aware of any big exodus of EPA staff from the Seattle office." (Seattle Times, 04/12/17)

In an email to an EPA colleague, Betsy Southland said she retired because she found out that she needed to help out with family medical care. "Maybe you did not receive my email about my retirement, but I sent it to you in June as soon as I found out I needed to retire to help out with family medical care." (NTK Network, Email Obtained By FOIA, 07/26/17)

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: 202.309.0934
Work Email: wilcox.jahan@epa.gov

From: alexnazaryan@gmail.com [mailto:alexnazaryan@gmail.com] **On Behalf Of** Alexander Nazaryan
Sent: Wednesday, October 11, 2017 12:34 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Pruitt

Hi Liz, working on a piece about the administrator's relationship to his employees. I heard today that he hasn't visited a single EPA office outside DC. Can you please confirm?

Also, is he aware that the mood inside EPA is "morbid," as it has been described to me? Is he doing anything about that?

Thank you.

--

Alexander Nazaryan

Senior Writer

Newsweek

www.newsweek.com/authors/alex-nazaryan

--
Alexander Nazaryan
Senior Writer
Newsweek
(718) 612-3356
http://www.newsweek.com/authors/alex-nazaryan

To: Bowman, Liz[Bowman.Liz@epa.gov]
Cc: Konkus, John[konkus.john@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]
From: Wilcox, Jahan
Sent: Mon 7/31/2017 7:14:04 PM
Subject: FW: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

From: Wilcox, Jahan
Sent: Monday, July 31, 2017 2:51 PM
To: 'Davidson, Joe' <joe.davidson@washpost.com>
Subject: RE: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Can you call me as I have tried to call you twice about this.

Also here is our statement …

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

From: Davidson, Joe [mailto:joe.davidson@washpost.com]
Sent: Monday, July 31, 2017 12:55 PM
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the

Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

To: Bowman, Liz[Bowman.Liz@epa.gov]; Konkus, John[konkus.john@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Hewitt, James[hewitt.james@epa.gov]
From: Wilcox, Jahan
Sent: Mon 7/31/2017 6:57:56 PM
Subject: FW: Hey Liz

From: Elizabeth Harrington [mailto:elizabeth@freebeacon.com]
Sent: Monday, July 31, 2017 2:42 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Hey Liz

Hey, yes definitely

--

Elizabeth Harrington
Staff Writer
Washington Free Beacon

On Jul 31, 2017 2:37 PM, "Wilcox, Jahan" <wilcox.jahan@epa.gov> wrote:

Earlier this spring, there was an EPA employee who was eligible for retirement and claimed he was quitting because of Trump and his proposed budget, when in reality he was just retiring because he was eligible for his pension. Of course the liberal Washington Post and other outlets jumped on the news.

- **The Washington Post: EPA staffer leaves with a bang, blasting agency policies under Trump – April 7, 2015**
https://www.washingtonpost.com/news/powerpost/wp/2017/04/07/epa-staffer-leaves-with-a-bang-blasting-agency-policies-under-trump/?utm_term=.bf260e6e228a

Well another employee is doing the same thing and she's claiming that due to President Trump's proposed budget she is quitting, but it's widely known that presidential budgets – no matter what party you are from – never get rubberstamped by Congress. Below is the WaPo inquiry along with along with why

the employee is claiming to retire.

Additionally, would also point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Curious if you would be interested in writing about this, because the left and environmentalists will make a big deal out of nothing.

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the

same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

The White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Senate Majority Leader Mitch McConnell has said that he expects Congress to ignore the budget. "Senate Republican Leader Mitch McConnell has already said he expects the Republican-led Congress to largely ignore the proposal, saying in an interview last week with Bloomberg News that early versions reflected priorities that "aren't necessarily ours." (Bloomberg, 05/22/17)

Senator Lindsey Graham said presidential budgets do not fare well. "Historically, presidential budgets do not fare well with Congress," said Sen. Lindsey Graham, R-S.C. (McClatchy, 03/16/17)

Senate Appropriations Committee Member John Hoevan said this budget is a starting point. "'The budget's a starting point. We'll go to work from there,' said Sen. John Hoeven, R-N.D., a member of the Senate Appropriations Committee." (The Associated Press, 05/22/17)

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Davidson, Joe" <joe.davidson@washpost.com>
Date: July 31, 2017 at 12:55:28 PM EDT
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press

releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

To: Bowman, Liz[Bowman.Liz@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Konkus, John[konkus.john@epa.gov]
From: Grantham, Nancy
Sent: Tue 8/8/2017 1:55:56 PM
Subject: FW: See WSJ opinion piece below

Link may have expired ..text below thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

From: Grantham, Nancy
Sent: Tuesday, August 08, 2017 9:21 AM
To: Knapp, Kristien <Knapp.Kristien@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: See WSJ opinion piece below

EPA Resignation Facts

The rest of the story behind those loud civil-servant protests.

•

The media and federal unions are making a cause celebre out of federal scientists who have resigned and then denounced Trump Administration policies on the way out. We're all for shrinking the government workforce, but the political melodrama could use a few leavening facts.

The latest splash is from Elizabeth Southerland, until recently the director of science and technology in the Environmental Protection Agency's Office of Water. Ms. Southerland ended a 30-year EPA career last week with an internal memo decrying Donald Trump's "draconian" budget cuts, and his "industry deregulation." She said her "civic duty" required that she warn that "our children and grandchildren" face "increased public health and safety risks and a degraded environment."

This follows the much-publicized April departure of Michael Cox, who quit the EPA in Washington state after 25 years, complaining in a letter to Administrator Scott Pruitt about "indefensible budget cuts" and efforts to "dismantle EPA and its staff as quickly as possible."

Both EPA employees are of retirement age, and they are right to bow out if they can't in good faith work for Mr. Pruitt. Their letters nonetheless reveal an entrenched and liberal federal bureaucracy. Though career civil servants who are supposed to serve political appointees of any party, they have clearly become progressive ideological partisans.

Their exits also explain why so much of the EPA workforce is misrepresenting or missing the point of Mr. Pruitt's policy changes. Ms. Southerland raps the Administrator's call to rebalance power between the feds and states, as she claims the EPA "has always followed a cooperative federalism approach."

Really? During the combined presidencies of George H.W. Bush, Bill Clinton and George W. Bush, the EPA imposed five federal air-quality implementation plans on states. Barack Obama's EPA imposed 56.

The Obama EPA also stripped states of their statutory development authority, whether with its pre-emptive veto of Alaska's Pebble Mine, or its Waters of the United States rule that gave the feds de facto sway over tens of millions of acres of private land. EPA employees embraced these new powers, but they violate the Constitution and hurt the environment.

Ms. Southerland seems to have forgotten that the largest clean-water disaster in recent years resulted from the EPA's 2015 decision to punch a hole in the Gold King Mine in Colorado, turning the Animas River yellow with waste water and heavy metals. The agency shares blame for the Flint, Michigan, lead crisis, having failed to alert the public.

The Fish and Wildlife Service has a dismal record recovering endangered species, while the Forest Service's logging restrictions have left millions of acres of dead, bug-infested trees as tinder for catastrophic wildfires.

Mr. Trump has proposed a 30% cut in EPA funding, but Congress won't cut anything close. Mr. Pruitt's decision to refocus on core jobs like Superfund cleanups means a shift in EPA spending in any event. The goal should be an EPA that is more efficient and effective—rather than one measured by employee numbers.

Ms. Southerland's exit may also free up some dollars. Federal records show she earned $249,000 last year in combined salary and bonus—$1,000 less than a Supreme Court Justice and about $200,000 more than the average taxpayer. She'll receive an annual lifetime pension worth about 75% of the average of the last three years of her career. With that sinecure, she should forgive taxpayers for thinking a little fiscal discipline at EPA might be in order.

Appeared in the August 8, 2017, print edition.

To: regionalpress[regionalpress@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Konkus, John[konkus.john@epa.gov]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Bowman, Liz
Sent: Tue 8/8/2017 1:34:32 PM
Subject: RE: See WSJ opinion piece below

thx

From: regionalpress
Sent: Tuesday, August 8, 2017 8:08 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Konkus, John <konkus.john@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: See WSJ opinion piece below

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

News Headline: EPA Resignation Facts |

Outlet Full Name: Wall Street Journal Online, The
News Text: ...Southerland, until recently the director of science and technology in the Environmental Protection Agency's Office of Water....

Return to Top

To: Bowman, Liz[Bowman.Liz@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Konkus, John[konkus.john@epa.gov]
Cc: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: regionalpress
Sent: Tue 8/8/2017 12:07:48 PM
Subject: See WSJ opinion piece below

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

News Headline: EPA Resignation Facts |

Outlet Full Name: Wall Street Journal Online, The
News Text: ...Southerland, until recently the director of science and technology in the Environmental Protection Agency's Office of Water....

Return to Top

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]
From: Halper, Evan
Sent: Thur 9/21/2017 3:44:15 PM
Subject: Re: Here you go - let me know what else you need

Got it. Appreciate it, Jahan.

From: Wilcox, Jahan <wilcox.jahan@epa.gov>
Sent: Thursday, September 21, 2017 11:40:31 AM
To: Halper, Evan
Cc: Bowman, Liz; Graham, Amy; Abboud, Michael
Subject: Here you go - let me know what else you need

On-The-Record Statement … "We have a great working relationship with career EPA employees. In their own words, Mr. Cox said was planning his retirement before the new administration and Ms. Southland said she was retiring due to a family issue. Despite the faux outrage, both employees will receive their six-figure taxpayer funded pension and we wish them the best." – EPA spokesman, Jahan Wilcox

Background Without Attribution – As Everything Below Is In The Public Domain …

According to career EPA employee Joel Scheraga, he has a great working relationship with EPA employees. "Staff from the EPA's disbanded climate adaptation office are still doing the same work despite moving to different offices a few months ago, the head of the team told POLITICO. An EPA reorganization finalized last week revealed that the agency followed through with a plan set in in the spring to reassign four climate change adaptation employees to two different sections of the Office of Policy, which is run by Samantha Dravis, a longtime political strategist and top aide to Administrator Scott Pruitt. 'Unequivocally, the Office of Policy continues to support work on climate adaptation,' said Joel Scheraga, a veteran EPA employee and the agency's senior adviser for climate adaptation. 'Samantha Dravis has asked me to continue working on climate adaptation issues. The bottom line is that climate adaptation work continues.' … Scheraga said the agency wants to help make sure that as communities "invest literally billions of dollars in new [water] systems that they in fact are better prepared for these extreme weather events so that they don't overflow so that they don't spill raw sewage into our lakes and streams," for example. 'We work with the communities to provide them with the information and the tools that they have told us they need to address their needs,' Scheraga said. 'They have told us they need to deal with these more intense precipitation events, these storm surges, so that in fact they can continue to protect public health and the environment, again consistent with EPA's mission to ensure that they continue to protect water quality and can provide safe

drinking water.' (Politico Pro, 09/11/17)

Michael Cox said his retirement was planned before Administrator Pruitt was nominated and confirmed by the Senate. "Cox said his own retirement had been long planned even before Trump's election, and that he's not aware of any big exodus of EPA staff from the Seattle office." (Seattle Times, 04/12/17)

In an email to an EPA colleague, Betsy Southland said she retired because she found out that she needed to help out with family medical care. "Maybe you did not receive my email about my retirement, but I sent it to you in June as soon as I found out I needed to retire to help out with family medical care." (NTK Network, Email Obtained By FOIA, 07/26/17)

Betsy Southerland questioned Pruitt's decision to partner with states to protect the environment. "Southerland questioned Pruitt's belief that the EPA and federal environmental standards were guilty of 'running roughshod over states' rights.'" (The Huffington Post, 08/02/17)

Governor Dayton (DFL-MN) praised Administrator Pruitt for working with the states and even said he didn't want the regional EPA offices micromanaging his state. "Gov. Mark Dayton described a meeting Wednesday with EPA Administrator Scott Pruitt as 'productive and cordial' and said he's hopeful the Trump administration will eliminate some of the federal government red tape dealt to state agencies. 'We don't believe we need to be micromanaged by Region 5 in Chicago,' Dayton said during a news conference following a meeting at the Capitol that lasted more than an hour." (Minnesota Public Radio, 07/19/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

The White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in

March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Senate Majority Leader Mitch McConnell has said that he expects Congress to ignore the budget. "Senate Republican Leader Mitch McConnell has already said he expects the Republican-led Congress to largely ignore the proposal, saying in an interview last week with Bloomberg News that early versions reflected priorities that "aren't necessarily ours." (Bloomberg, 05/22/17)

In 2016, Elizabeth Southerland made $249,000.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

From: Halper, Evan [mailto:Evan.Halper@latimes.com]
Sent: Thursday, September 21, 2017 9:35 AM
To: Press <Press@epa.gov>
Subject: LA Times questions -- civil service

Good morning:

I am reaching out for comment from the agency for a story about the civil service under the Trump administration. Does the EPA have a response to the concerns raised by recently departed employees such as Betsy Southerland and Michael Cox – and echoed by advocacy groups and lawmakers -- that it is sidelining its own scientific research and scientists in pursuit of the Trump political agenda? Has its approach to taking input from career staff changed with this administration?

You can reach me at 916.201.6398 if you would prefer to discuss in an interview. My deadline is 3:30 p.m. today. Thanks very much for your attention to this.

Best,

Evan Halper

National Reporter

Los Angeles Times

To: Evan.Halper@latimes.com[Evan.Halper@latimes.com]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]
From: Wilcox, Jahan
Sent: Thur 9/21/2017 3:40:31 PM
Subject: Here you go - let me know what else you need

On-The-Record Statement … "We have a great working relationship with career EPA employees. In their own words, Mr. Cox said was planning his retirement before the new administration and Ms. Southland said she was retiring due to a family issue. Despite the faux outrage, both employees will receive their six-figure taxpayer funded pension and we wish them the best." – EPA spokesman, Jahan Wilcox

Background Without Attribution – As Everything Below Is In The Public Domain …

According to career EPA employee Joel Scheraga, he has a great working relationship with EPA employees. "Staff from the EPA's disbanded climate adaptation office are still doing the same work despite moving to different offices a few months ago, the head of the team told POLITICO. An EPA reorganization finalized last week revealed that the agency followed through with a plan set in in the spring to reassign four climate change adaptation employees to two different sections of the Office of Policy, which is run by Samantha Dravis, a longtime political strategist and top aide to Administrator Scott Pruitt. 'Unequivocally, the Office of Policy continues to support work on climate adaptation,' said Joel Scheraga, a veteran EPA employee and the agency's senior adviser for climate adaptation. 'Samantha Dravis has asked me to continue working on climate adaptation issues. The bottom line is that climate adaptation work continues.' … Scheraga said the agency wants to help make sure that as communities "invest literally billions of dollars in new [water] systems that they in fact are better prepared for these extreme weather events so that they don't overflow so that they don't spill raw sewage into our lakes and streams," for example. 'We work with the communities to provide them with the information and the tools that they have told us they need to address their needs,' Scheraga said. 'They have told us they need to deal with these more intense precipitation events, these storm surges, so that in fact they can continue to protect public health and the environment, again consistent with EPA's mission to ensure that they continue to protect water quality and can provide safe drinking water.' (Politico Pro, 09/11/17)

Michael Cox said his retirement was planned before Administrator Pruitt was nominated and confirmed by the Senate. "Cox said his own retirement had been long planned even before Trump's election, and that he's not aware of any big exodus of EPA staff from the Seattle office." (Seattle Times, 04/12/17)

In an email to an EPA colleague, Betsy Southland said she retired because she found out that she needed to help out with family medical care. "Maybe you did not

receive my email about my retirement, but I sent it to you in June as soon as I found out I needed to retire to help out with family medical care." (NTK Network, Email Obtained By FOIA, 07/26/17)

Betsy Southerland questioned Pruitt's decision to partner with states to protect the environment. "Southerland questioned Pruitt's belief that the EPA and federal environmental standards were guilty of 'running roughshod over states' rights.'" (The Huffington Post, 08/02/17)

Governor Dayton (DFL-MN) praised Administrator Pruitt for working with the states and even said he didn't want the regional EPA offices micromanaging his state. "Gov. Mark Dayton described a meeting Wednesday with EPA Administrator Scott Pruitt as 'productive and cordial' and said he's hopeful the Trump administration will eliminate some of the federal government red tape dealt to state agencies. 'We don't believe we need to be micromanaged by Region 5 in Chicago,' Dayton said during a news conference following a meeting at the Capitol that lasted more than an hour." (Minnesota Public Radio, 07/19/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

The White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Senate Majority Leader Mitch McConnell has said that he expects Congress to ignore the budget. "Senate Republican Leader Mitch McConnell has already said he expects the Republican-led Congress to largely ignore the proposal, saying in an interview last week with Bloomberg News that early versions reflected priorities that "aren't necessarily ours." (Bloomberg, 05/22/17)

In 2016, Elizabeth Southerland made $249,000.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

From: Halper, Evan [mailto:Evan.Halper@latimes.com]
Sent: Thursday, September 21, 2017 9:35 AM
To: Press <Press@epa.gov>
Subject: LA Times questions -- civil service

Good morning:

I am reaching out for comment from the agency for a story about the civil service under

the Trump administration. Does the EPA have a response to the concerns raised by recently departed employees such as Betsy Southerland and Michael Cox – and echoed by advocacy groups and lawmakers -- that it is sidelining its own scientific research and scientists in pursuit of the Trump political agenda? Has its approach to taking input from career staff changed with this administration?

You can reach me at 916.201.6398 if you would prefer to discuss in an interview. My deadline is 3:30 p.m. today. Thanks very much for your attention to this.

Best,

Evan Halper

National Reporter

Los Angeles Times

To: jkerr@reviewjournal.com[jkerr@reviewjournal.com]
Cc: Abboud, Michael[abboud.michael@epa.gov]
From: Wilcox, Jahan
Sent: Tue 8/1/2017 9:19:38 PM
Subject: Hey John

Hey John -

Didn't know if you'd be interested in doing an editorial on this but earlier this spring an EPA employee who was eligible for retirement and claimed he was quitting because of Trump and his proposed budget, when in reality he was just retiring because he was eligible for his pension. Of course the liberal Washington Post and other outlets jumped on the news.

•□□□□□□□□ **The Washington Post: EPA staffer leaves with a bang, blasting agency policies under Trump – April 7, 2015**
https://www.washingtonpost.com/news/powerpost/wp/2017/04/07/epa-staffer-leaves-with-a-bang-blasting-agency-policies-under-trump/?utm_term=.bf260e6e228a

Well another employee is doing the same thing and she's claiming that due to President Trump's proposed budget she is quitting, but it's widely known that presidential budgets – no matter what party you are from – never get rubberstamped by Congress. Below is the WaPo inquiry along with along with why the employee is claiming to retire.

I'd also point out that last year Elizabeth Southerland (the employee who is retiring) made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Thought I'd flag this for you and also pass along this on-the-record statement from us:

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

In 2016, Forbes said that the White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Davidson, Joe" <joe.davidson@washpost.com>
Date: July 31, 2017 at 12:55:28 PM EDT
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

To: Wilcox, Jahan[wilcox.jahan@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Konkus, John[konkus.john@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]
From: Dravis, Samantha
Sent: Tue 8/1/2017 1:26:36 PM
Subject: RE: WFB: EPA Employee Who Says She's Quitting Over Trump's Budget Is Eligible for Retirement

Bye Felicia

From: Wilcox, Jahan
Sent: Tuesday, August 01, 2017 9:25 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: WFB: EPA Employee Who Says She's Quitting Over Trump's Budget Is Eligible for Retirement

EPA Employee Who Says She's Quitting Over Trump's Budget Is Eligible for Retirement

Worker earned $250,000, with $64,000 bonus
The Washington Free Beacon
August 1, 2017
http://freebeacon.com/issues/epa-employee-says-shes-quitting-trumps-budget-eligible-retirement/

An Environmental Protection Agency employee who says she is quitting on principle over President Donald Trump's budget is eligible for retirement.

Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water, was making $250,000 a year. In farewell remarks, Southerland said she was worried about government employees and environmental consultants losing their jobs.

Her protest against the budget came over two months after the budget, which is not likely to be adopted in full, was released.

"The proposed FY18 budget cuts to state, tribal, and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies," Southerland said.

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension," said EPA spokesman Jahan Wilcox. "We wish Elizabeth Southerland the best in her retirement, and the EPA will continue to refocus on our core mission of protecting our air, land and water."

Southerland made a salary of $249,255 last year, including a $64,155 bonus. She has worked for the EPA since at least 2004, with salaries ranging from $145,000 to $185,000. The median salary in the United States is just over $50,000.

Other employees have made political statements after taking early retirement.

The Washington Post reported that Mike Cox, a "climate change adviser" for the EPA, quit with "gusto," but failed to mention that Cox was also eligible for his pension.

Southerland said she quit because of "major budget cuts" to the EPA that have not occurred. Trump proposed cutting the agency by 31 percent in May, though Congress is not expected to take up the president's budget.

Southerland said she disagrees with the Trump administration's deregulation agenda and claimed "our children and grandchildren" will have to pay the price for reversing Obama era climate rules.

"The major budget cuts to EPA, state, and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a

cooperative federalism approach," she said. "It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters' bills they will ask their residents to take on."

"The best case for our children and grandchildren is that they will pay the polluters' bills through increased state taxes, new user fees, and higher water and sewer bills," Southerland said. "The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

To: Alexander Nazaryan[a.nazaryan@newsweek.com]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]
From: Wilcox, Jahan
Sent: Thur 11/16/2017 8:28:46 PM
Subject: RE:

We sent you an on-the-record statement in October and we will send you this on-the-record statement as well.

On-The-Record Statement … **"Administrator Pruitt has met with staff from every region and took the unprecedented step of meeting with EPA's criminal investigators – a department that Obama slashed by 24 percent – about how we can work together to protect the environment and American jobs."** – EPA spokesman, Jahan Wilcox

On-The-Record Statement … **"We have a great working relationship with career EPA employees. In their own words, Mr. Cox said was planning his retirement before the new administration and Ms. Southerland said she was retiring due to a family issue. Despite the faux outrage, both employees will receive their six-figure taxpayer funded pension and we wish them the best."** – EPA spokesman, Jahan Wilcox

BACKGROUND RESEARCH …

According to career EPA employee Joel Scheraga, he has a great working relationship with EPA employees. "Staff from the EPA's disbanded climate adaptation office are still doing the same work despite moving to different offices a few months ago, the head of the team told POLITICO. An EPA reorganization finalized last week revealed that the agency followed through with a plan set in in the spring to reassign four climate change adaptation employees to two different sections of the Office of Policy, which is run by Samantha Dravis, a longtime political strategist and top aide to Administrator Scott Pruitt. 'Unequivocally, the Office of Policy continues to support work on climate adaptation,' said Joel Scheraga, a veteran EPA employee and the agency's senior adviser for climate adaptation. 'Samantha Dravis has asked me to continue working on climate adaptation issues. The bottom line is that climate adaptation work continues.' … Scheraga said the agency wants to help make sure that as communities "invest literally billions of dollars in new [water] systems that they in fact are better prepared for these extreme weather events so that they don't overflow so that they don't spill raw sewage into our lakes and streams," for example. 'We work with the communities to provide them with the information and the tools that they have told us they need to address their needs,' Scheraga said. 'They have told us they need to deal

with these more intense precipitation events, these storm surges, so that in fact they can continue to protect public health and the environment, again consistent with EPA's mission to ensure that they continue to protect water quality and can provide safe drinking water.' (Politico Pro, 09/11/17)

Michael Cox said his retirement was planned before Administrator Pruitt was nominated and confirmed by the Senate. "Cox said his own retirement had been long planned even before Trump's election, and that he's not aware of any big exodus of EPA staff from the Seattle office." (Seattle Times, 04/12/17)

In an email to an EPA colleague, Betsy Southland said she retired because she found out that she needed to help out with family medical care. "Maybe you did not receive my email about my retirement, but I sent it to you in June as soon as I found out I needed to retire to help out with family medical care." (NTK Network, Email Obtained By FOIA, 07/26/17)

Have a good day Alexander and we look forward to reading your story.

Best,

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: 202.309.0934
Work Email: wilcox.jahan@epa.gov

From: Alexander Nazaryan [mailto:a.nazaryan@newsweek.com]
Sent: Wednesday, November 15, 2017 9:08 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject:

Hi Jahan, I just want to make sure my requests are being taken seriously. That wasn't the impression I got when we spoke today.

--

Alexander Nazaryan
Senior Writer, National Affairs
Newsweek

To: Bowman, Liz[Bowman.Liz@epa.gov]
Cc: Graham, Amy[graham.amy@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Hewitt, James[hewitt.james@epa.gov]
From: Grantham, Nancy
Sent: Sat 9/9/2017 8:44:13 PM
Subject: RE: AP Article

Closing the loop here -- office that this came out of is part of OLEM – and likely that Betsy was there at the time prior to moving to water . thanks ng

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

From: Bowman, Liz
Sent: Saturday, September 09, 2017 9:02 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Graham, Amy <graham.amy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>
Subject: AP Article

"A risk analysis by EPA concluded in 2012 that flooding at such sites in South Florida could pose a risk to public health by spreading contaminated soil and groundwater. Flooding could disturb dangerous pollutants and wash it onto nearby property or contaminate groundwater, including personal wells, said Elizabeth "Betsy" Southerland, who retired last month as director of science and technology in EPA's Office of Water after 30 years at the agency."

What analysis is this? What office wrote it, and did Betsy have anything to do with it?

Liz Bowman

U.S. Environmental Protection Agency (EPA)

Office: 202-564-3293

To: Abboud, Michael[abboud.michael@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]
From: Bowman, Liz
Sent: Sat 9/9/2017 5:08:26 PM
Subject: Fwd: Response to AP Article 'AP Exclusive: Flooding threatens Toxic Sites as Irma Nears'

This is the final

Sent from my iPhone

Begin forwarded message:

From: "Bowman, Liz" <Bowman.Liz@epa.gov>
Date: September 9, 2017 at 12:15:17 PM EDT
To: "Pace, Julie" <JPace@ap.org>
Cc: "Graham, Amy" <graham.amy@epa.gov>, "Jahan Wilcox (wilcox.jahan@epa.gov)" <wilcox.jahan@epa.gov>
Subject: Response to AP Article 'AP Exclusive: Flooding threatens Toxic Sites as Irma Nears'

Hi Julie – Want to reach out with regard to our ongoing communications about what we believe are biased stories from Michael Biesecker. If the Associated Press wants to spend resources during a Category 4 hurricane to fly reporters above Superfund sites to appease Michael Biesecker's whims from Washington, that's your outlet's decision. However, we want to be clear that we feel this is yet another example of his attempt to discredit the Administrator through biased reporting. We also encourage you to decide if AP has a different standard for the Trump Administration as it did for the Obama Administration – and if it's the Associated Press' standard is to quote people who were misleading about their motivations for leaving EPA, and former EPA interns, with no expertise in the area for which they are being presented to the public as experts? As our press release about Biesecker's last story was criticized for not outlining specific falsehoods or inaccuracies, I have outlined them below for you. He says that the 'public has a right to know' – don't you agree that the public also has a right to understand? This article, focused on how people may be exposed to hazardous waste does not explain risk, hazard or exposure. These concepts are vital to readers understanding of this issue. We look forward to hearing from you about how the Associated Press plans to address these specifics and the ongoing bias from Michael Biesecker. Thank you – Liz

Please note the following exclusions and misleading information in Michael Biesecker's article: "AP Exclusive: Flooding threatens toxic sites as Irma nears"

HEADLINE: AP Exclusive: Flooding threatens toxic sites as Irma nears

–□□□□□□□ **AP Misleads:** AP was never offered an exclusive, there is nothing 'exclusive' about writing about information readily available on our public website

Betsy Southerland: "who has criticized EPA's current leadership under President Donald Trump"… "who retired last month as director of science and technology in EPA's Office of Water after 30 years at the agency"

–□□□□□□□ **AP Excludes:** former employee who walked away from the Agency as soon as she was eligible for her six figure retirement

–□□□□□□□ **AP Misleads:** It's also worth noting that she was a director in the Office of Science and Technology in the Office of Water (OST) – while this office is responsible for understanding how pollutants and contaminants may spread – Superfunds are overseen by the Office of Land and Emergency Management (OLEM). She is not an expert on hurricanes or Superfunds.

–□□□□□□□ **AP Excludes:** Quotes from any leader or experts in OLEM or the potentially responsible parties who manage ongoing cleanup of sites AP visited (or surveyed)

Stephen Sweeney: "The EPA needs to do a better job helping people who live near Superfund sites stay informed with accurate information, said Stephen Sweeney, a former employee in EPA's office of policy and one of the American University researchers who conducted the Superfund flooding study."

–□□□□□□□ **AP Excludes:** Sweeney was a "student trainee" and a fellow at EPA for about 14 months – he seems to have been a master's student, not an researcher employed at AU. He is currently a consultant at a management and IT consulting firm in McLean, VA https://www.linkedin.com/in/sweeneystephen1/

"A risk analysis by EPA concluded in 2012 that flooding at such sites in South Florida could pose a risk to public health by spreading contaminated soil and groundwater."

–□□□□□□□ **AP Excludes:** This is reference document prepared by a contractor, it is not an official EPA report. Michael was told this in April, when he received the report, and this information is available publicly on FOIA online. And, this information was repeated again to him yesterday.

–□□□□□□□ Specifically, Michael was told: "We are also attaching the internal report developed for EPA through our mission support contract. The report [was] prepared to inform and prioritize program adaptation efforts, and is not intended as an Agency publication."

"Of particular concern was the one-acre Miami Drum Services site."

–□□□□□□□ **AP Misleads:** Who determined this was "of particular concern"? This seems like an opinion of an unidentified individual. EPA has determined that it is a "low vulnerability site"

–□□□□□□□ **AP Excludes:** Readily found on our website: "Dade County teamed with EPA on a strategy to remove 15,000 tons of contaminated soil and treat over 650,000 gallons of contaminated groundwater. The successful cleanup enabled Dade County to finish construction of the William Lehman Operations and Maintenance Center, the County's 82-acre train repair facility. Today, the facility ensures the safety, quality and timeliness of Dade County's commuter trains, which serve 50,000 people each day."
https://www.epa.gov/superfund-redevelopment-initiative/superfund-sites-reuse-florida

"It is located over a drinking-water aquifer in a heavily industrial area of Doral, in west Miami-Dade County. The site was once home to more than 5,000 drums of various chemicals, some of which were dumped onsite after the metal containers were washed with a caustic cleaning solution. That solution, mixed with the chemical residues in the drums, leaked into the Biscayne Aquifer, a drinking water source."

–□□□□□□□ **AP Excludes:** This spill happened between 1966 and 1985. This site was delisted from EPA's NPL site in 1985.

http://www.dep.state.fl.us/waste/quick_topics/publications/wc/sites/summary/ERIC_3778.pdf

"At the Anodyne site in North Miami Beach on Friday, the AP found three sealed steel drums labeled as being filled with "IDW" soil and water in the open, weed-covered field behind a building. IDW is the designation for "investigation derived waste." The drums were labeled, "Do not disturb." Bowman said the barrels were low-risk to human health."

–□□□□□□□ **AP Excludes:** Barrels contained rocks and dirt, were being removed before landfall. We specifically said: "EPA confirmed that the barrels contain cuttings from where a water well was drilled, **which is primarily dirt and rocks.** They were identified as low-risk to human health, and are in the process of being removed before the hurricane makes landfall."

–□□□□□□□ **AP Excludes:** An explanation of the difference between risk, hazard and exposure. This is vital information to an article claiming about this topic. The article starts out discussing hazardous materials, yet in no place does it explain risk, hazard or exposure to the public.

"The EPA said soil and groundwater at the former industrial site was contaminated with a brew of toxic chemicals, including pesticides, solvents and heavy metals."

–□□□□□□□ **AP misleads:** EPA's responses to AP did not include this statement

"The EPA has made significant efforts over the last week to publicize its response to flooding at Superfund sites in Texas and allay concerns about similar sites in Florida. That followed an Aug. 26 report by AP that at least seven Superfund sites in the Houston region had flooded during Hurricane Harvey. AP journalists on the scene in Texas surveyed the sites by boat, vehicle and on foot."

–□□□□□□□ **AP misleads**: We are not making 'significant efforts to publicize its response to flooding' – we are doing what the Agency should do – inform the public about potential risks and what staff, local and state officials – along with those responsible for ongoing cleanups – are doing to protect human health and the environment around sites around hurricanes

–□□□□□□□ **AP Excludes**: Governor Abbott's comments about how EPA is being "very aggressive" on Superfund sites https://www.msn.com/en-gb/video/other/abbott-epa-very-aggressive-on-superfund-sites/vi-AArbnrf

–□□□□□□□ **AP Excludes**: Houston Mayor Sylvester Turner's statement about EPA's leadership to secure superfund sites, and noting that our Regional Administrator, Sam Coleman and two senior representatives from Administrator Pruitt's office met with the Mayor to discuss Superfunds in the Houston area.

https://twitter.com/SylvesterTurner/status/905174698878795777

–□□□□□□□ **Excluded from AP article:** EPA Regional Administrator Sam Coleman and TCEQ Chairman Bryan Shaw were recognized by Governor Abbot for their work to protect human health and the environment at the Governor's press conference on Rebuilding Texas. **Surely, the Associated Press had a reporter at the Governor's press conference right after the hurricane about his announcement to start a commission to rebuild the state?**

-

"Since then, EPA has been issuing daily updates about its efforts. On Monday, the agency organized a media tour of one of the Houston sites highlighted in AP's reporting, though AP was not notified about the press event and was not able to attend."

–□□□□□□□ **AP Excludes:** The Associated Press showed up unannounced at various Texas Superfund sites. EPA did schedule a press event. EPA accommodated press went through normal channels to request access to these sites.

"Pruitt, who has questioned the severity of consequences from global warming, has been largely silent on the threat posed to Superfund sites by rising seas and more powerful storms."

–□□□□□□□ **AP Misleads:** Around Harvey and Irma, Administrator Pruitt has done multiple interviews discussing how EPA is working with those responsible for the ongoing cleanup.

–□□□□□□□ **AP Misleads:** Even in THIS article, AP quotes Administrator Pruitt in his interview with Bloomberg discussing the efforts that EPA is taking to address threats posed by the storm: *"Operationally, we've tried to make sure we apply the same type of approach we used in Texas," Pruitt told Bloomberg News on Thursday. "Because of the area and the amount of population that's affected in Florida, we're trying to be even more aggressive."*

The EPA declined to make Pruitt available for an interview with the AP, but he spoke about Superfund sites this week in interviews with CNN, Bloomberg and ABC News.

–□□□□□□□ **AP Misleads:** EPA scheduled a meeting between Julie Pace and Administrator Pruitt prior to this article being published. Executive editor Sally Buzbee has also been invited to meet with Administrator Pruitt. We are more than willing to meet with the Associated Press.

###

Liz Bowman

U.S. Environmental Protection Agency (EPA)

Office: 202-564-3293

To: Bowman, Liz[Bowman.Liz@epa.gov]
Cc: Graham, Amy[graham.amy@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Hewitt, James[hewitt.james@epa.gov]
From: Grantham, Nancy
Sent: Sat 9/9/2017 2:17:56 PM
Subject: Re: AP Article

This is the report Michael and I talked with you about yesterday - it was released first under foia - it was prepared by a contractor and is not an official agency publication- will send it to you and will check on Betsy question thx ng

Sent from my iPhone

On Sep 9, 2017, at 9:01 AM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

> "A risk analysis by EPA concluded in 2012 that flooding at such sites in South Florida could pose a risk to public health by spreading contaminated soil and groundwater. Flooding could disturb dangerous pollutants and wash it onto nearby property or contaminate groundwater, including personal wells, said Elizabeth "Betsy" Southerland, who retired last month as director of science and technology in EPA's Office of Water after 30 years at the agency."
>
> What analysis is this? What office wrote it, and did Betsy have anything to do with it?
>
> Liz Bowman
>
> U.S. Environmental Protection Agency (EPA)
>
> Office: 202-564-3293

To: Grantham, Nancy[Grantham.Nancy@epa.gov]
Cc: Graham, Amy[graham.amy@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]; Hewitt, James[hewitt.james@epa.gov]
From: Bowman, Liz
Sent: Sat 9/9/2017 1:01:32 PM
Subject: AP Article

"A risk analysis by EPA concluded in 2012 that flooding at such sites in South Florida could pose a risk to public health by spreading contaminated soil and groundwater. Flooding could disturb dangerous pollutants and wash it onto nearby property or contaminate groundwater, including personal wells, said Elizabeth "Betsy" Southerland, who retired last month as director of science and technology in EPA's Office of Water after 30 years at the agency."

What analysis is this? What office wrote it, and did Betsy have anything to do with it?

Liz Bowman

U.S. Environmental Protection Agency (EPA)

Office: 202-564-3293

To: Dravis, Samantha[dravis.samantha@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Konkus, John[konkus.john@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]
From: Ford, Hayley
Sent: Mon 10/16/2017 9:01:38 PM
Subject: RE: EPA Afternoon Highlights 10.16.17

Yes and every single press article called her out for it so that really backfired.

Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Dravis, Samantha
Sent: Monday, October 16, 2017 5:00 PM
To: Hewitt, James <hewitt.james@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: EPA Afternoon Highlights 10.16.17

I'm sorry.. Betsy Southerland was making $250,000? That is absolutely outrageous.

From: Hewitt, James

Sent: Monday, October 16, 2017 4:43 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: EPA Afternoon Highlights 10.16.17

EPA Afternoon Highlights 10.16.17

-

Bloomberg: Trump's EPA Swears Off Settling Lawsuits With Environmentalists

The Trump administration moved Monday to curb settlements with environmentalists, instead vowing to fight cases designed to force the Environmental Protection Agency to take action. EPA Administrator Scott Pruitt said he is ending a "sue-and-settle" practice that has resulted in committing the agency to regulating greenhouse gas emissions from power plants and refineries, among other things. “As of today with this directive and the memorandum, we’re no longer going to be involved in that practice,” Pruitt told reporters at a briefing Monday. Pruitt promised in an address to EPA employees in February to avoid "regulation through litigation" and later instructed agency staff to limit the practice.

The Washington Free Beacon: PBS Airs Anti-Pruitt Documentary Funded By Environmentalist Group Backer

A new PBS Frontline documentary that paints Environmental Protection Agency administrator Scott Pruitt as a tool for the fossil fuel industry received major funding from a group that has given hundreds of thousands of dollars to environmentalist activists like the Sierra Club. The documentary, "War on the EPA," received major support from the Kendeda Fund, an Atlanta-based nonprofit focused on the environment and sustainability. The documentary features interviews with numerous Obama administration backers, including Gina McCarthy, the former EPA administrator, and Betsy Southerland, a former EPA director making $250,000 who claimed earlier this year she resigned in protest because of the Trump administration's budget. Southerland was eligible for early retirement and told coworkers she was retiring because of family issues.

The Washington Post: EPA Administrator Pruitt issues directive to curb settlements with

outside groups

Environmental Protection Agency Administrator Scott Pruitt issued a directive on Monday to constrain the type of legal agreements the EPA can reach with groups pressuring it to regulate, a move he said could be copied by other federal agencies. Ending the practice known as "sue and settle" has long been a top priority for conservatives and business groups. In recent years, especially under the Obama administration, the EPA and other agencies resolved litigation over delays in issuing rules by agreeing to specific timelines to act and reimbursing plaintiffs' attorney fees. In a news briefing, Pruitt said he was taking action to ensure that consent decrees "are not used in an abusive fashion to subvert due process" and to exclude the public from weighing in.

Red State: Scott Pruitt Ends EPA Welfare Payments To Environmental Groups

One of the most egregious things about the EPA has always been the way it operated for the benefit of the large "environmental" groups and against the interests of states, communities, and individuals. Perhaps the worst part of this criminal collusion was the way the EPA used lawsuits against the EPA, coordinated with environmental groups, to short-circuit the rule-making process, deprive the public of a their right to petition the government, and keep the coffers of environmental groups topped off with EPA cash… Sometimes decrees were negotiated and approved that exceeded the authority of the court approving the decree…this is a different but related issue of the EPA and environmentalist groups cherry-picking courts and judges.

Talking Points Memo: EPA Chief Pruitt Looks To Kneecap Environmental Groups With New Policy

The head of the Environmental Protection Agency in effect declared trench warfare on environmental groups on Monday, ending a practice he dubbed "Sue & Settle" by which the EPA would often settle lawsuits brought by outside groups in an attempt to get the agency to enforce its own rules. "As of today with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told a small group of reporters, including TPM, Monday morning at the EPA. "It's a regulation through litigation process." Pruitt painted the policy as a way that environmental groups profited off the agency during the Obama years, while those groups worked together to circumvent the normal rule-making process and create more stringent environmental regulations.

The Daily Caller: Trump's EPA Is Cracking Down On 'Sue And Settle' Lawsuits

Environmental Protection Agency (EPA) Administrator Scott Pruitt signed a directive ending an Obama-era legal practice that conservatives criticized as giving outside activists control of the

regulatory process. “The days of regulation through litigation are over,” Pruitt said in a statement issued Monday. Pruitt’s order curbs the number of cases EPA settles with outside activist groups that file so-called “citizen suits.” Outside groups, especially environmentalists, file citizen suits to force a federal agency to begin the rulemaking process. During the settlement process, environmentalists and government lawyers get to set new timetables for new regulations. States, industry groups and other third parties are largely left out of the settlement process.

The Washington Times: EPA to end Obama-era ‘sue and settle’ practice

The Trump administration on Monday took steps to end the highly controversial “sue and settle” practice that led directly to a host of environmental regulations throughout former President Obama’s tenure. In an agency-wide directive, Environmental Protection Agency Administrator Scott Pruitt said the process has “harmed the American public” and kept citizens in the dark about exactly how rules and regulations are made. “The days of regulation through litigation are over,” Mr. Pruitt said in a statement. “We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney’s fees to these groups with which we swiftly settle.”

Fox News: EPA's Pruitt moves to end Obama-era practice of 'sue and settle' with environmentalists

EPA Administrator Scott Pruitt moved Monday to end a controversial practice known as “sue and settle,” which critics said was used during the Obama administration to cut deals with environmental groups leading to new regulations. “The days of regulation through litigation are over,” Pruitt said in a statement, announcing a new EPA directive Republicans, including Pruitt, had fought with the Obama administration in court over what they described as a back-room practice that led to more red tape. They claimed the EPA routinely entered into consent decrees with environmental groups that had sued the agency, in turn leading to new regulations for states – covering clean air rules and more – without allowing them to defend their interests.

Reuters: U.S. EPA head seeks to avoid settlements with green groups

The head of the U.S. Environmental Protection Agency issued a directive to his agency on Monday seeking to end the practice of settling lawsuits with environmental groups behind closed doors, saying the groups have had too much influence on regulation. EPA Administrator Scott Pruitt, who sued the agency he now runs more than a dozen times in his former job as attorney general of oil producing Oklahoma, has long railed against the so-called practice of "sue and settle." The EPA under former President Barack Obama quietly settled lawsuits from

environmental groups with little input from regulated entities, such as power plants, and state governments, he argues. The directive seeks to make EPA more transparent about lawsuits by reaching out to states and industry that could be affected by settlements, forbidding the practice of entering into settlements that exceed the authority of courts, and excluding attorney's fees and litigation costs when settling with groups.

The Washington Examiner: Trump's EPA sets precedent by becoming first agency to end 'sue and settle' practice

The Environmental Protection Agency on Monday became the first of President Trump's agencies to issue an order barring the agency from being drawn into court settlements that alter environmental outcomes to the liking of environmental and other special interest groups. "The days of regulation through litigation are over," EPA chief Scott Pruitt declared in a statement. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress."

Western Journalism: Trump's EPA Closes 'Regulation Thru Litigation' Loophole

EPA Administrator Scott Pruitt has announced that the agency will immediately attempt to avoid entering into legal settlements with environmentalist groups seeking to use the power of the courts to force the agency into implementing unwanted rules and regulations. "As of today, with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told reporters at a briefing Monday, referencing an agency-wide memo issued earlier. This practice, described by Pruitt as "regulation through litigation," involved environmental groups trying to "bypass" the traditional regulatory process by suing the EPA, forcing the agency into settlements, Bloomberg reported.

Time: The EPA Is Ending an Obama-Era Practice That Conservatives Say Sped Up New Rules

The Environmental Protection Agency will stop issuing new environmental regulations in response to lawsuits from outside groups, ending a practice that conservatives say had been used by environmental groups during the Obama Administration to speed up the process, the agency's head said Monday. In a briefing for reporters, EPA Administrator Scott Pruitt said that the reversal was a matter of following proper procedure. "We are no longer going to be engaged in that practice," EPA Administrator Scott Pruitt said in a briefing for reporters. "It's a very important day to make sure that as we engage in our rulemaking process we respect the process that Congress has established."

-

National Afternoon News Highlights 10.16.17

The Washington Examiner: Federal judge in Bob Menendez bribery case strikes down request for acquittal

A federal judge overseeing the bribery case against Sen. Bob Menendez, D-N.J., says he won't dismiss any of the charges against the senator, leaving it up to the jury to decide his fate. On Monday, Judge William Walls ruled against the defense's argument to drop the charges against the New Jersey lawmaker, claiming that they did not meet the definition of bribery under the 2016 Supreme Court decision against former Virginia Gov. Bob McDonnell. The Democratic senator is facing 18 criminal counts alongside his friend and wealthy Floridian, Dr. Salomon Melgen.

The Hill: Ryan projects House will pass tax bill by early November

Speaker Paul Ryan (R-Wis.) offered an ambitious timeline on Monday for when Congress will enact tax reform this year, starting with House passage of a bill in the next month. Ryan predicted in an interview with Milwaukee radio station WTMJ that tax overhaul legislation would pass in the House by "early November" and make it through the Senate to President Trump's desk by the end of December. Formal legislation to reform the tax code has not yet been released. The House adopted a budget resolution earlier this month to unlock budgetary rules known as reconciliation so that Republicans can pass tax reform and circumvent a Democratic filibuster in the Senate.

Fox News: Trump, McConnell pledge unity on tax reform, health care after feud

President Trump exited a White House meeting Monday with Sen. Mitch McConnell saying his relationship with the Senate majority leader is "better than ever" and they are working together on major legislative priorities including tax and health care reform. "We've been friends for a long time," Trump said at a Rose Garden press conference following his meeting with McConnell, with whom he had a public falling out this summer. "We're fighting for big tax cuts. ... My relationship with this gentleman has been outstanding." Trump also said they are working on a measure to repeal and replace ObamaCare by early next year.

TRUMP TWEETS

Bloomberg

https://www.bloomberg.com/news/articles/2017-10-16/trump-s-epa-swears-off-settling-lawsuits-with-environmentalists

Trump's EPA Swears Off Settling Lawsuits With Environmentalists

By Jennifer Dlouhy, 10/16/17

The Trump administration moved Monday to curb settlements with environmentalists, instead vowing to fight cases designed to force the Environmental Protection Agency to take action.

EPA Administrator Scott Pruitt said he is ending a "sue-and-settle" practice that has resulted in committing the agency to regulating greenhouse gas emissions from power plants and refineries, among other things.

“As of today with this directive and the memorandum, we’re no longer going to be involved in that practice,” Pruitt told reporters at a briefing Monday.

Pruitt promised in an address to EPA employees in February to avoid "regulation through litigation" and later instructed agency staff to limit the practice. Separately, Attorney General Jeff Sessions has barred federal attorneys from negotiating settlements that result in payments from companies to third-party organizations, such as environmental groups.

But Pruitt’s new directive makes it formal. Under the policy, the agency will publicize legal petitions that could lead to settlements and proposed agreements. The EPA also will not agree to substantively change regulatory timelines -- such as making commitments to rapidly issue rules -- through the settlement process.

The move takes aim at a practice conservatives have long criticized as empowering environmental groups to force federal agencies to issue regulations and commit to timelines for imposing them. Agencies that agree to settle with those groups -- and stop defending themselves

in court -- generally negotiate the agreements privately, without the kind of public process that typically guides federal rulemaking. The resulting agreements effectively allow outside groups to hijack a federal agency's agenda, opponents say.

"It's a regulation through litigation process" that serves to "bypass" the formal rulemaking process, Pruitt told reporters at a briefing Monday. "As of today with this directive and the memorandum, we're no longer going to be involved in that practice."

Recent U.S. clean air rules have been driven by such legal settlements, including former President Barack Obama's Clean Power Plan, which aims to pare greenhouse gas emissions from electricity. Pruitt's EPA proposed repealing that initiative last week.

In December 2010, the EPA pledged to set curbs on carbon dioxide emissions from power plants and oil refineries as part of a settlement with environmental groups and more than a dozen state and local governments. The EPA blew the deadline for the power plant rule -- originally due in May 2012, though finally imposed more than three years later -- and never finalized similar standards for refineries.

"There is a time to settle cases," Pruitt said. "This is not a statement against consent decrees generally or settlements generally. It's the abuses around those practices that we are aiming at here" to make sure they are not used to "subvert" the process.

This is going to be applied "across the board," with every plaintiff that sues the agency. "This is not particular to one type of plaintiff," Pruitt said.

The EPA settled more than 60 lawsuits with outside groups between 2009 and 2012, resulting in more than 100 new regulations, according to the U.S. Chamber of Commerce, which has criticized the practice.

"Over the past decade, the business community has expressed growing concern about interest groups using lawsuits against federal agencies and subsequent consent decrees approved by a court as a shortcut technique to influence agencies' regulatory agendas," Chamber senior vice

president William Kovacs told a House subcommittee hearing in May.

Advocacy groups sometimes sue to compel federal agencies to act when they are slow to finalize requirements or are ignoring an issue altogether. For instance, the EPA settlement on greenhouse gases from power plants and refineries came in part because the agency did not tackle the issue despite a 2009 conclusion that the emissions endanger the public health and welfare.

The federal government doesn't just settle lawsuits with environmental organizations. Lawsuits filed by trade associations and special interest groups as well as corporations are also fair game for legal settlements.

Any policy that discourages negotiations aimed at resolving those lawsuits early could lead to more protracted court battles, legal experts said.

"Lawsuits are incredibly expensive," said Joshua Galperin, a research scholar at Yale Law School. "Environmental groups and industry groups both -- and those are the groups who sue EPA -- they're both well-funded" and "can continue the process of a lawsuit really as long as it takes."

The Washington Free Beacon

http://freebeacon.com/politics/pbs-airs-anti-pruitt-documentary-funded-environmentalist-group-backer/

PBS Airs Anti-Pruitt Documentary Funded By Environmentalist Group Backer

By Elizabeth Harrington, 10/16/17

A new PBS Frontline documentary that paints Environmental Protection Agency administrator Scott Pruitt as a tool for the fossil fuel industry received major funding from a group that has given hundreds of thousands of dollars to environmentalist activists like the Sierra Club.

The documentary, "War on the EPA," received major support from the Kendeda Fund, an Atlanta-based nonprofit focused on the environment and sustainability.

The documentary features interviews with numerous Obama administration backers, including Gina McCarthy, the former EPA administrator, and Betsy Southerland, a former EPA director making $250,000 who claimed earlier this year she resigned in protest because of the Trump administration's budget. Southerland was eligible for early retirement and told coworkers she was retiring because of family issues.

Southerland tells PBS that Pruitt's EPA is a "clear and present danger to public health and safety in this country."

The documentary calls critics of the Obama administration's wide-ranging regulatory actions targeting the coal industry and nuclear power plants "climate deniers" and "extreme." The PBS narrator refers to Sen. James Inhofe (R., Okla.) as "the Senate's leading climate change denier" and features Jane Mayer, a journalist with the New Yorker, calling the Trump EPA "radical."

"What you see now in the Trump administration is the triumph of the anti-environmental movement," Mayer says. "They are now in control of the government and in control of the regulatory process in a kind of a brazen way we haven't seen before."

Obama administration alums are depicted as crusaders against pollution, as they appear in interviews dismayed by President Trump and Pruitt following through on campaign promises to roll back environmental regulations.

Gina McCarthy said the repeal of the Clean Power Plan, which was blocked by the Supreme Court and could have shrunk the coal industry by nearly half, was "disturbing."

Eric Schaeffer, a former EPA director of civil enforcement, called Pruitt's EPA a "hostile takeover" and a "political operation."

Jerry Taylor, a former fellow at the Cato Institute who now is in favor of a carbon tax, tells PBS the "conservative narrative" of a war on coal was "disconnected from reality."

PBS does not include clips in the documentary of Obama and Hillary Clinton discussing the coal industry. Obama said, "electricity rates would necessarily skyrocket" under his cap and trade plan, while Clinton boasted during a debate, "We are going to put a lot of coal miners and coal companies out of business."

PBS also interviews Eric Lipton of the New York Times, who was bothered by paintings in Pruitt's old attorney general office in Oklahoma that pictured sheriffs in the Old West and a Native American sheriff.

"When I first got to [Pruitt's] office, there were these large paintings on the wall," Lipton said. "It just struck me that this was the real Wild West, that we will dispense our own justice." The camera zoomed in on the painted gun in a holster, as ominous music played.

PBS also attempts to tie Pruitt to the Koch brothers and paints a picture of the administrator receiving dark money from oil and gas companies.

PBS says, "Much of the Koch's fortune came from oil and gas, and they would spend millions opposing Obama's initiatives."

The documentary received major funding from Kendeda, which in turn has donated to many liberal groups that lobby for climate change regulations. On its website, Kendeda encourages "activism that promotes solutions to the social and equity challenges caused by climate change."

Kendeda has donated to numerous environmentalist activist organizations, including: $70,000 to the Sierra Club, $50,000 to Earthjustice, $50,000 to the Southern Alliance for Clean Energy, and $500,000 to the U.S. Climate Action Network in 2015.

A spokesperson for WGBH, which put on the documentary, told the Free Beacon that the Kendeda Fund did not directly fund the documentary.

"The Kendeda Fund provides support to many organizations and groups, including schools and military families, and they have provided funding to WGBH under their People, Place, and Planet program for use in a variety of WGBH programs," said Jeanne Hopkins, vice president for communications. "Some was used to support this FRONTLINE film, along with its many other funding sources. They did not directly fund this program."

"War on the EPA was a political story full of voices on both sides of a contentious issue," Hopkins continued. "The film spent considerable time illuminating the roots of conservative thinking and action towards the EPA and featured key figures from industry and the movement around Scott Pruitt, including Bob Murray, CEO of Murray Energy and Myron Ebell, the head of President Trump's EPA transition team."

The group also donated $250,000 to the New Venture Fund, which also supports environmentalist organizations. The same year, New Venture Fund donated $515,000 to the Sierra Club Foundation and $95,000 to 350.org, which vows to "stop fossil fuels."

The documentary also features Andrew Miller, a lobbyist for Southern Company, who was asked by PBS if it was "unseemly" that oil and gas companies lobbied against Obama's environmental regulations and that Pruitt and other Republican attorneys general filed lawsuits to stop the rules.

"Not at all," Miller said. "And the reason I say that is you have the Sierra Club partnering with attorneys general on the other side."

"It's all part of the Democratic process," he said.

The Washington Post

https://www.washingtonpost.com/politics/epa-administrator-pruitt-issues-directive-to-curb-settlements-with-outside-groups/2017/10/16/b62967ba-b280-11e7-be94-fabb0f1e9ffb_story.html?utm_term=.aaefc224f3ed

EPA Administrator Pruitt issues directive to curb settlements with outside groups

By Juliet Eilperin, 10/16/17

Environmental Protection Agency Administrator Scott Pruitt issued a directive on Monday to constrain the type of legal agreements the EPA can reach with groups pressuring it to regulate, a move he said could be copied by other federal agencies.

Ending the practice known as "sue and settle" has long been a top priority for conservatives and business groups. In recent years, especially under the Obama administration, the EPA and other agencies resolved litigation over delays in issuing rules by agreeing to specific timelines to act and reimbursing plaintiffs' attorney fees.

In a news briefing, Pruitt said he was taking action to ensure that consent decrees "are not used in an abusive fashion to subvert due process" and to exclude the public from weighing in.

"It's very important that we do not get engaged in regulation through litigation," he said. "This is something that is a long time coming with respect to this agency."

Pruitt said his action will not bar the EPA from reaching settlements with outside litigants but that he wanted to block any agreements "changing a discretionary duty to a nondiscretionary duty."

He said it also was important to end the payout of attorney fees, since such settlements have "no prevailing party" and some payments are part of informal agreements that cannot be easily tracked.

The directive will provide for greater disclosure of potential settlements by directing the EPA to publish any notice of intent to sue within 15 days of receiving it; reaching out to states and any other entities potentially affected by such suits; and posting any proposed or modified consent decrees and settlements for a 30-day public comment period.

His push is part of a broader effort by the Trump administration to limit federal funding to outside groups as part of litigation. In June, Attorney General Jeff Sessions issued a memo to block payments to third-party, not-for-profit groups as part of environmental settlements. Instead of allowing defendants to fund environmental measures as a way of meeting their obligations for violating the law, Sessions argued, such penalties should go directly to the U.S. Treasury.

But environmentalists question whether Pruitt's directive, inspired by a memorandum that then-Attorney General Edwin Meese issued in the 1980s, will have much direct impact. The Clean Air Act and other environmental laws provide citizens and outside groups broad latitude to sue the EPA when it is failing to meet statutory deadlines, and the judge handling such cases typically determines the amount of legal fees the government must pay as part of any consent decree.

"That's not his decision to make," John Walke, of the Natural Resources Defense Council's Clean Air Project, said in an interview Monday. "A judge can impose attorney fees when an agency violates the law and citizens file suit to hold the government accountable."

The Clean Air Act already requires the EPA and the Justice Department to provide a 30-day public comment period for all consent decrees and settlement agreements before they are finalized or filed with a court, Walke said. Pruitt's action is "a lot of political puffery," he said.

Pruitt emphasized that some agreements the Obama administration reached with environmental groups, such as one aimed at curbing regional haze, were forged without the input of affected states. In that particular case, he noted, North Dakota sought to intervene but was excluded. Nonetheless, the consent decree "imposed obligations" on North Dakota once it was finalized.

The Government Accountability Office, which published a 2014 report on the EPA's practice of

settling with outside groups, found that the agreements it examined had only "limited" impact on the agency's rulemaking process.

Officials in the agency's air quality office, according to the GAO, "said that deadline suits affect the timing and order in which rules are issued but not which rules are issued."

Red State

https://www.redstate.com/streiff/2017/10/16/scott-pruitt-epa-sue-and-settle/

Scott Pruitt Ends EPA Welfare Payments To Environmental Groups

By Strieff, 10/16/17

One of the most egregious things about the EPA has always been the way it operated for the benefit of the large "environmental" groups and against the interests of states, communities, and individuals. Perhaps the worst part of this criminal collusion was the way the EPA used lawsuits against the EPA, coordinated with environmental groups, to short-circuit the rule-making process, deprive the public of a their right to petition the government, and keep the coffers of environmental groups topped off with EPA cash.

his is how it worked:

"Sue and Settle " practices, sometimes referred to as "friendly lawsuits", are cozy deals through which far-left radical environmental groups file lawsuits against federal agencies wherein court-ordered "consent decrees" are issued based upon a prearranged settlement agreement they collaboratively craft together in advance behind closed doors. Then, rather than allowing the entire process to play out, the agency being sued settles the lawsuit by agreeing to move forward with the requested action they and the litigants both want.

In other words, the agency throws the case, somewhat like Bre'r Rabbit agreeing to be thrown into a favorite brier-patch. A big difference however, is that in this case, Farmer McGregor

andMr. Rabbit were partners in the scam from the beginning. It's the unwary American public that actually does get caught in the thorns.

While the environmental group is given a seat at the table, outsiders who are most impacted are excluded, with no opportunity to object to the settlements. Accordingly, both the litigants and the defendant agency, operating in coffee bars and friendly courtroom shadows, avoid the harsh outside glare of oversight. No public notice about the settlement is released until the agreement is filed in court…after the damage has been done.

Sometimes decrees were negotiated and approved that exceeded the authority of the court approving the decree…this is a different but related issue of the EPA and environmentalist groups cherry-picking courts and judges. Not only do the 'green' groups often get cash payouts above and beyond attorney's fees, the policies they impose are often detrimental and would never have been enacted had state and local officials had the opportunity to weigh in:

The Chamber's study author, William Yeatman, Assistant Director for Energy and Environment at the Competitive Enterprise Institute (CEI), emphasizes that EPA's abuse of its Regional Haze authority forces states to relinquish their authority and accept EPA's far more expensive plans, thereby increasing consumer utility charges. He concluded that: "… no state is immune from having its rightful Regional Haze authority trampled by EPA at profound costs for virtually nonexistent benefits."

Having conducted eight state case studies, Yeatman found that:

•□□□□□□□□ In Arizona, EPA's Regional Haze regulation threatens to increase the cost of water, forcing the state to spend an additional $90.2 million per year to implement the federal regulation.

•□□□□□□□□ In Montana, EPA's proposed Regional Haze controls are nearly 250% more expensive than what that agency's standing rules presume to be "cost-effective" for compliance,

•□□□□□□□□ In 2011, the EPA disregarded New Mexico's Regional Haze plan, instead imposing a federal plan that requires nearly $840 million more in capital costs…potentially raising average annual household utility bills by $120.

•□□□□□□□□ Although North Dakota is one of only 12 states that achieves all of EPA's air

quality standards for public health, it would not be able to achieve EPA's Regional Haze goals for visibility even by shutting down all industry. The EPA plan would also cost the state an additional $13 million per year,

•□□□□□□□□ Refusing to approve Oklahoma's Regional Haze plan, the EPA's plan would cost the state $282 million annually.

•□□□□□□□□ In Wyoming, the EPA proposed a federal implementation plan that would cost almost $96 million per year more than the state's plan.

•□□□□□□□□ Minnesota is subject to back-to-back Regional Haze regulations, whereby EPA is claiming authority to regulate regional haze twice in succession at its Sherburne County generating plant.

•□□□□□□□□ EPA's proposed plan would cost Nebraska nearly $24 million per year to achieve invisible "benefits".

The deals were cloaked in secrecy and top EPA officials were very much hands-on in working to use these agreements to keep the public in the dark:

Unfortunately, getting federal agencies to comply with formal FOIA requests isn't proving to be easy. And to make matters worse, there is evidence that top bureaucrats have even used private e-mail accounts and aliases to cover culpability tracks.

For example, Senator Vitter, along with Representative Darrell Issa (R-Calif.) who heads the House Oversight and Government Reform Committee, recently sent a letter to James Martin, EPA's Region 8 administrator, warning him: "The use of personal, non-official e-mail accounts raises concerns that you could be attempting to insulate this and other e-mail correspondence from a Freedom of Information Act request. Moreover, your actions may also constitute violation of the Federal Records Act"…evading congressional oversight of federal agencies.

One of those private e-mails at issue involved an exchange between Martin and Vickie Patton, the General Counsel for the Environmental Defense Fund, regarding an arranged meeting with him. Patton wrote: "Hi Jim, Next Monday or Tuesday December 12/13 at 9am depending on which is best for you." Responding, Martin replied: "January 13 at 9:00 am works for me if it works for you. (Lost your original note-is that the date and time you proposed?" Vitter and Issa have confirmed that the meeting did, in fact, take place at the EPA regional office.

Several Martin e-mails were released by EPA as the result of a FOIA lawsuit lodged by Christopher Horner of the Competitive Enterprise Institute. Horner's efforts also revealed evidence that former EPA Administrator Lisa Jackson was conducting official agency business under cover of the alias name "Richard Windsor", and CEI also sued EPA seeking e-mails concerning the EPA's behind-the-scenes regulatory war on coal plants. Horner's new book, The Liberal War on Transparency, discusses this and other tricks.

Suspicions abound that the exposure of Jackson's undercover communications had much to do with her departure decision shortly afterwards. Senator Vitter commented: "I think this e-mail issue clearly spurred Lisa Jackson's resignation. But it's much broader than her. It's about a culture of hiding an extreme agenda from Americans because it can't be sustained in public debate."

For more information you need to read this report by Heritage and these links from US Chamber of Commerce (here | here).

Shortly after he was nominated, EPA Administrator Scott Pruitt said that he would end this anti-democratic process. Today he delivered.

In fulfilling his promise to end the practice of regulation through litigation that has harmed the American public, EPA Administrator Scott Pruitt issued an Agency-wide directive today designed to end "sue and settle" practices within the Agency, providing an unprecedented level of public participation and transparency in EPA consent decrees and settlement agreements.

"The days of regulation through litigation are over," said EPA Administrator Scott Pruitt. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle."

…

"Sue and settle" cases establish Agency obligations without participation by states and/or the

regulated community; foreclose meaningful public participation in rulemaking; effectively force the Agency to reach certain regulatory outcomes; and, cost the American taxpayer millions of dollars.

Read the whole letter.

Of course, the EPA is still bound by past shenanigans but going forward the 'green' groups will find the EPA is not a willing partner in litigation.

Talking Points Memo

http://talkingpointsmemo.com/dc/epa-chief-scott-pruitt-looks-to-kneecap-environmental-groups-with-new-sue-and-settle-policy

EPA Chief Pruitt Looks To Kneecap Environmental Groups With New Policy

By Cameron Joseph, 10/16/17

The head of the Environmental Protection Agency in effect declared trench warfare on environmental groups on Monday, ending a practice he dubbed "Sue & Settle" by which the EPA would often settle lawsuits brought by outside groups in an attempt to get the agency to enforce its own rules.

"As of today with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told a small group of reporters, including TPM, Monday morning at the EPA. "It's a regulation through litigation process."

Pruitt painted the policy as a way that environmental groups profited off the agency during the Obama years, while those groups worked together to circumvent the normal rule-making process and create more stringent environmental regulations.

"We should engage in rule-making that takes into consideration the voices that will be impacted

across the country," he said. "What this sue-and-settle practice has done historically has bypassed that altogether."

The rule change could force environmental groups to spend much more time and effort on lawsuits aimed at making the EPA enforce its own rules and abide by agreed-upon timelines—spreading them thinner and making it harder for them to expend effort on other, more complicated cases. The EPA's decision to refuse to reimburse lawyers' fees also could be costly to environmental groups, as well as make it harder and less likely for average citizens and localities to undertake lawsuits to get the EPA to do what it's legally required to do.

Pruitt pledged that the agency would no longer reimburse attorneys' fees in cases where it decides to avoid a lawsuit, arguing that both environmental and business groups had abused it to enrich themselves in the past.

"This is not particular to one type of plaintiff," he said. "There should be no attorneys' fees paid, period, no matter who the plaintiff is."

Combined with measures to slash staff, a pattern of issuing fewer and lighter fines, and the rollback of Obama-era rules that crack down on greenhouse gas emissions from power plants to mitigate the effects of climate change, Pruitt's latest move is part of an overall shift at Trump's EPA that's radically more friendly to big business and hostile towards environmental groups.

The U.S. Chamber of Commerce, for instance, has railed against "Sue & Settle" for years.

The new memorandum formalizes a position of fighting every lawsuit tooth-and-nail that Pruitt had announced early in his tenure at the EPA. Back in February, he'd promised he wouldn't allow "regulation through litigation." The Justice Department also has stopped negotiating settlements that end up with payments to outside groups to cover attorneys' or other fees.

Fewer than a dozen reporters were included at the event with Pruitt, and some of them, including TPM, rarely if ever cover the environmental beat closely—a fact that frustrated some environmental reporters who weren't invited to attend:

Hear the full audio of the event below:

https://soundcloud.com/user-850821996/epa-administrator-scott-pruitt-speaks-to-reporters

The Daily Caller

http://dailycaller.com/2017/10/16/trumps-epa-is-cracking-down-on-sue-and-settle-lawsuits/?utm_source=site-share

Trump's EPA Is Cracking Down On 'Sue And Settle' Lawsuits

By Mike Bastasch, 10/16/17

Environmental Protection Agency (EPA) Administrator Scott Pruitt signed a directive ending an Obama-era legal practice that conservatives criticized as giving outside activists control of the regulatory process.

"The days of regulation through litigation are over," Pruitt said in a statement issued Monday.

Pruitt's order curbs the number of cases EPA settles with outside activist groups that file so-called "citizen suits." Outside groups, especially environmentalists, file citizen suits to force a federal agency to begin the rulemaking process.

During the settlement process, environmentalists and government lawyers get to set new timetables for new regulations. States, industry groups and other third parties are largely left out of the settlement process.

Republicans and conservative legal scholars labelled the practice "sue and settle" since the Obama administration often settled with outside groups, effectively giving activists control of the

environmental regulatory agenda.

Pruitt also targeted the attorneys fees paid out to outside groups suing EPA to force a rulemaking. A 2016 Daily Caller News Foundation investigation found federal agencies pay out at least $50 million in attorneys fees for "sue and settle" cases since 2009.

A 2013 study by the U.S. Chamber of Commerce identified at least 71 lawsuits between 2009 and 2012 as "sue-and-settle" cases, and these resulted in more than 100 new regulations — many of which cost more than $100 million a year.

The Obama administration's Clean Power Plan, for example, is the result of a "sue and settle" lawsuit. EPA began the process of repealing that regulation last week.

"We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress," Pruitt said.

Pruitt's policy requires EPA to publish all citizen suits and settlements online for the public to see. EPA will also be limited in what kinds of settlements it can make with activists, and officials must reach out to states and other third parties.

Environmentalists weren't very happy with Pruitt's directive.

Federal environmental laws give individuals and groups the ability to sue agencies that don't issue a regulation by a statutory deadline. Groups that sue can also get their attorneys fees reimbursed.

EPA is just one of the many federal agencies activists sue every year to force new regulations. The U.S. Fish and Wildlife Service is the focus of many lawsuits, demanding the agency issue ruling on whether or not certain species are endangered.

Federal agencies paid out $30 million to attorneys for 237 citizen suits under the Endangered Species Act, a 2016 DCNF investigation found.

The Washington Times

http://www.washingtontimes.com/news/2017/oct/16/epa-end-obama-era-sue-and-settle-practice/

EPA to end Obama-era 'sue and settle' practice

By Ben Wolfgang, 10/16/17

The Trump administration on Monday took steps to end the highly controversial "sue and settle" practice that led directly to a host of environmental regulations throughout former President Obama's tenure.

In an agency-wide directive, Environmental Protection Agency Administrator Scott Pruitt said the process has "harmed the American public" and kept citizens in the dark about exactly how rules and regulations are made.

"The days of regulation through litigation are over," Mr. Pruitt said in a statement. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle."

Sue and settle, which became commonplace during Mr. Obama's tenure as his EPA developed tight-knit relationships with top environmental groups, essentially is a way to circumvent the formal rulemaking procedures. Under the practice, sometimes called "friendly lawsuits," an outside group would sue a department or agency — in this case, the EPA — and ask that certain regulatory steps be taken, or that entirely new regulations be put in place.

Often, the agency would agree to settle the case outside of court, and the settlement agreement would provide a legal loophole for the EPA to simply enact the changes the outside organization sought without having to go through the traditional rule-making process, which requires public comment, draft proposals, and a host of other steps designed to keep the public informed.

Numerous Obama-era environmental policies were initially put in place as a result of sue and settle. They include: the Mercury Air Toxics Standards for Utilities rule; Regional Haze rules; Chesapeake Bay Clean Water Act rules; and many others related to air quality and energy exploration, according to a list released last month by the U.S. Chamber of Commerce.

Critics of sue and settle say that regardless of one's opinion on climate change and environmental regulation, the practice itself is highly secretive and one of the worst examples of government colluding with outside groups.

"These egregious antics have effectively handed over the setting of agency priorities to environmental pressure groups, led to rushed rulemaking, and even altered the substance of regulations before they have been published," said Daren Bakst, research fellow in agricultural policy at the conservative Heritage Foundation. "The EPA is making it clear that the public and the integrity of the rulemaking process are no longer going to be sacrificed for the political objectives of narrow interests."

Fox News

http://www.foxnews.com/politics/2017/10/16/epas-pruitt-moves-to-end-obama-era-practice-sue-and-settle-with-environmentalists.html

EPA's Pruitt moves to end Obama-era practice of 'sue and settle' with environmentalists

By Staff, 10/16/17

EPA Administrator Scott Pruitt moved Monday to end a controversial practice known as "sue and settle," which critics said was used during the Obama administration to cut deals with

environmental groups leading to new regulations.

"The days of regulation through litigation are over," Pruitt said in a statement, announcing a new EPA directive

Republicans, including Pruitt, had fought with the Obama administration in court over what they described as a back-room practice that led to more red tape. They claimed the EPA routinely entered into consent decrees with environmental groups that had sued the agency, in turn leading to new regulations for states – covering clean air rules and more – without allowing them to defend their interests.

"We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress," Pruitt said in a statement Monday.

Under the new policy, Pruitt said that whenever a settlement or consent decree is being considered, the EPA should reach out to any states or entities affected. He also wants to make sure related complaints or notices are published promptly, to forbid consent decrees "that exceed the authority of the courts," and to give time to modify proposed regulations and consider public comment.

Pruitt was one of the most outspoken critics of "sue and settle" during the Obama administration, when as Oklahoma attorney general he participated in multiple lawsuits against the agency he now leads.

Pruitt claimed at the time that dozens of lawsuits filed by environmental groups led to settlement arrangements that included terms beyond the guidelines approved by Congress.

The Obama EPA denied this at the time, maintaining that outside groups could not compel the agency to take any action they weren't already compelled to take by law.

Environmental groups could respond with more court action. The Sierra Club on Monday retweeted an environmentalist who predicted: “Scott Pruitt will be spending a lot more of your taxpayer dollars defending his inaction in court.”

Reuters

http://news.trust.org/item/20171016165200-tm1oe/

U.S. EPA head seeks to avoid settlements with green groups

By Timothy Gardner, 10/16/17

The head of the U.S. Environmental Protection Agency issued a directive to his agency on Monday seeking to end the practice of settling lawsuits with environmental groups behind closed doors, saying the groups have had too much influence on regulation.

EPA Administrator Scott Pruitt, who sued the agency he now runs more than a dozen times in his former job as attorney general of oil producing Oklahoma, has long railed against the so-called practice of "sue and settle." The EPA under former President Barack Obama quietly settled lawsuits from environmental groups with little input from regulated entities, such as power plants, and state governments, he argues.

The directive seeks to make EPA more transparent about lawsuits by reaching out to states and industry that could be affected by settlements, forbidding the practice of entering into settlements that exceed the authority of courts, and excluding attorney's fees and litigation costs when settling with groups.

Most lawsuits by green groups on the agency seek to push the agency to speed up regulation on issues such as climate and air and water pollution, studies have shown.

"The days of regulation through litigation are over," Pruitt said. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the agency."

Pruitt's order was supported by conservative groups.

Daren Bakst, a research fellow in agricultural policy at the Heritage Foundation think tank, said sue and settle has led to "egregious antics" that have "effectively handed over the setting of agency priorities to environmental pressure groups," and has led to rushed rulemaking by the agency.

But Pat Parenteau, an environmental law professor at the Vermont Law School, said Pruitt's directive would be "counterproductive" and costly because in the end courts could fine the agency if it does not meet compliance dates for issuing regulations.

"He can fight it if he wants as long as he wants, and spend as much money as he wants," Parenteau said. "But in the end if you've missed a statutory deadline, you are going to be ordered (by a court) to comply and then you are going to be ordered to pay fees."

The Washington Examiner

http://www.washingtonexaminer.com/trumps-epa-sets-precedent-by-becoming-first-agency-to-end-sue-and-settle-practice/article/2637650

Trump's EPA sets precedent by becoming first agency to end 'sue and settle' practice

By John Siciliano, 10/16/17

The Environmental Protection Agency on Monday became the first of President Trump's agencies to issue an order barring the agency from being drawn into court settlements that alter environmental outcomes to the liking of environmental and other special interest groups.

"The days of regulation through litigation are over," EPA chief Scott Pruitt declared in a statement. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress."

Pruitt's order would also end the practice of paying out "tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle," Pruitt added.

The litigation tool, commonly referred to as "sue and settle," was used with great success by environmental groups under the Obama administration to force a regulatory process behind closed doors, according to Pruitt. The Sierra Club, for example, used the legal tactic often as part of its "Beyond Coal" campaign program to force coal-fired power plants into early retirement.

It is a tactic that has served the environmental community well over the last decade. But EPA Administrator Scott Pruitt sought to change all of that on Monday through a new agency-wide policy to bar it from entering settlements where all affected stakeholders would be not be included in the final court-enforced settlement and consent decree.

Industry groups like the Chamber of Commerce have lobbied consistently against the practice of sue and settle, and Republicans on Capitol Hill have introduced legislation to confront the issue in recent years without much success.

It is "something a long time coming … and a very important day," Pruitt told reporters early Monday morning ahead of signing a memorandum directing the agency not to enter into sue and settle agreements.

"We are no longer going to be engaged in that practice anymore," he said. "What this sue and settle process has done is bypass the regulatory process altogether."

He called the practice "wrong," and said the agency is "the first agency to issue this directive in a memorandum" to challenge and stop abuse of the sue and settle process.

"It is a practice not unique to the EPA," but the number of cases brought to the agency to enter court-enforced settlements has placed it "in first place," Pruitt added.

"We are the first agency to take this action," he said, although Attorney General Jeff Sessions is "keenly interested" in engaging the issue of sue and settle across the government.

Pruitt said that "other agencies are taking notice as well."

Western Journalism

https://www.westernjournalism.com/trumps-epa-closes-regulation-thru-litigation-loophole/

Trump's EPA Closes 'Regulation Thru Litigation' Loophole

By V. Saxena, 10/16/17

EPA Administrator Scott Pruitt has announced that the agency will immediately attempt to avoid entering into legal settlements with environmentalist groups seeking to use the power of the courts to force the agency into implementing unwanted rules and regulations.

"As of today, with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told reporters at a briefing Monday, referencing an agency-wide memo issued earlier.

This practice, described by Pruitt as "regulation through litigation," involved environmental groups trying to "bypass" the traditional regulatory process by suing the EPA, forcing the agency into settlements, Bloomberg reported.

Also known as "sue and settle," the strategy became popular among environmentalists during the tenure of former President Barack Obama. During Obama's first term in office, the EPA entered into over 60 such settlements and was forced to publish over 100 new regulations.

"Both data and anecdotal evidence show that, under the Obama Administration, consent-decree settlements have become more frequent," The Heritage Foundation noted in 2014.

Robert L. Bradley, the founder and CEO of the Institute for Energy Research, even suggested in a column for The Hill two years ago that "legal collusion … has occurred between federal agencies, including the Environmental Protection Agency (EPA), and well-heeled environmental groups."

"It typically begins with agencies being sued by environmentalists for failing to meet regulatory deadlines and then agreeing to settle the disputes out-of-court," he wrote. "These settlements, which achieve the environmentalists' goals and timeline, are written behind closed doors with little or no input from affected parties."

It's also believed the widely panned Clean Power Plan, which current President Donald Trump has only recently effectively gutted, was pieced together via this same practice.

Pruitt made it clear on Monday this sort of collusion won't be tolerated anymore.

"The days of this regulation through litigation are terminated," he announced. "'Sue and settle,' as this tactic has been called, undermines the fundamental principles of government that I outlined on my first day."

The Washington Examiner reported that during an informal briefing on Monday, Pruitt noted that the EPA was "the first agency to issue this directive in a memorandum to challenge and stop abuse of the sue and settle process."

“We are the first agency to take this action,” Pruitt said.

He noted as well that this problem is “not unique to the EPA” and that Attorney General Jeff Sessions is “keenly interested” in implementing similar policies across the entire government.

But Pruitt also pointed out that settlements wouldn’t themselves be banned.

“There is a time to settle cases,” he said. “This is not a statement against consent decrees generally or settlements generally. It’s the abuses around those practices that we are aiming at here.”

Time

http://time.com/4983904/epa-regulations-rules-lawsuits-scott-pruitt/

The EPA Is Ending an Obama-Era Practice That Conservatives Say Sped Up New Rules

By Justin Worland, 10/16/17

The Environmental Protection Agency will stop issuing new environmental regulations in response to lawsuits from outside groups, ending a practice that conservatives say had been used by environmental groups during the Obama Administration to speed up the process, the agency's head said Monday.

In a briefing for reporters, EPA Administrator Scott Pruitt said that the reversal was a matter of following proper procedure.

"We are no longer going to be engaged in that practice," EPA Administrator Scott Pruitt said in a briefing for reporters. “It’s a very important day to make sure that as we engage in our

rulemaking process we respect the process that Congress has established."

The EPA will also post legal petitions publicly for comment before any potential settlement with a third party and end the practice of paying attorneys fees for outside groups that sue the agency, Pruitt said.

The directive ending the practice — known among conservatives as "sue and settle" — formalizes a stance Pruitt has taken since the early days of his tenure. Pruitt criticized the practice in a speech addressing agency employees shortly after taking office. And he has since issued a verbal directive along those lines earlier this year, according to an E&E News report.

Conservative groups have long criticized "sue and settle" as running afoul of the rule of law, in particular the Administrative Procedure Act, which governs how agencies issue regulations.The move is the latest in a slew of efforts from Pruitt in his nine months on the job to shift the direction of the agency. Last week, Pruitt formally initiated a process to revoke the Clean Power Plan, Obama's central measure aimed at fighting climate change. Asked Monday whether the agency would issue a replacement, Pruitt said "that is in process" and suggested that the agency would provide more clarity soon when it formally begins the process of soliciting public comment on the issue.

The Washington Examiner

http://www.washingtonexaminer.com/federal-judge-in-bob-menendez-bribery-case-strikes-down-request-for-acquittal/article/2637645

Federal judge in Bob Menendez bribery case strikes down request for acquittal.

By Katie Leach, 10/16/17

A federal judge overseeing the bribery case against Sen. Bob Menendez, D-N.J., says he won't dismiss any of the charges against the senator, leaving it up to the jury to decide his fate.

On Monday, Judge William Walls ruled against the defense's argument to drop the charges against the New Jersey lawmaker, claiming that they did not meet the definition of bribery under the 2016 Supreme Court decision against former Virginia Gov. Bob McDonnell.

The Democratic senator is facing 18 criminal counts alongside his friend and wealthy Floridian, Dr. Salomon Melgen.

"We are living in a real world of reality and common sense," Walls explained in a lengthy opinion he read on Monday. "The jury will decide whose version of what happened or didn't happen is more likely than not."

The Hill

http://thehill.com/blogs/floor-action/house/355687-ryan-projects-house-will-pass-tax-bill-by-early-november

Ryan projects House will pass tax bill by early November

By Cristina Marcos, 10/16/17

Speaker Paul Ryan (R-Wis.) offered an ambitious timeline on Monday for when Congress will enact tax reform this year, starting with House passage of a bill in the next month.

Ryan predicted in an interview with Milwaukee radio station WTMJ that tax overhaul legislation would pass in the House by “early November” and make it through the Senate to President Trump’s desk by the end of December.

Formal legislation to reform the tax code has not yet been released.

The House adopted a budget resolution earlier this month to unlock budgetary rules known as

reconciliation so that Republicans can pass tax reform and circumvent a Democratic filibuster in the Senate.

Ryan expressed optimism that Republicans would have more success with tax reform than with their failed efforts to repeal and replace the 2010 health care law.

Ryan outlined three reasons why the GOP has a better shot at passing tax reform than they did with ObamaCare repeal.

He maintained that Republicans tend to agree more generally on tax principles; the White House and top House and Senate leaders released a tax reform blueprint; and the reconciliation process will allow Republicans to accomplish all of their goals on a tax overhaul in one bill, in contrast to the health care effort.

Multiple GOP health care proposals such as selling insurance plans across state lines and medical liability reform could not be included in the reconciliation measure due to Senate budget rules. That frustrated GOP lawmakers who could only consider those proposals in legislation that would be subject to Senate filibusters.

"So the procedure and the process is much more direct and streamlined. Republicans are more in agreement on how to do it. And we pre-agreed with the House, the Senate and the White House at the front end of this on how to do it. And that's where we stand and that's why we're on track," Ryan said.

The Speaker acknowledged that Republicans, by contrast, don't hold widespread views on health care policy, despite unified opposition to ObamaCare for seven years.

"Frankly, Republicans with each other didn't necessarily agree on how to do health care," Ryan said.

The Senate is expected to consider its version of the budget this week. The two chambers' budgets will have to be reconciled before the GOP can use reconciliation on tax reform.

Once Republicans in both chambers of Congress agree on a budget, the tax-writing House Ways and Means Committee is expected to release legislative text that adheres to its revenue outlines.

Tax legislation would then go through the Ways and Means Committee before reaching the House floor for a vote.

Ryan's projection of House passage by early November puts lawmakers on a tight schedule.

The House is not in session this week and GOP leaders allowed members to depart Washington a day early last week following passage of a $36.5 billion aid package for Puerto Rico and other areas afflicted by recent natural disasters. Lawmakers won't be back at the Capitol until next Monday.

Ryan previously offered ambitious timelines for when Republicans would pass legislation to repeal and replace the health care law that never came to fruition.

At the start of this year, Ryan expressed a goal of wanting to pass a health care bill by Trump's 100th day in office at the end of April.

When that didn't happen, Republicans later aimed for clearing legislation by the August recess. The House did pass a repeal-and-replace bill in May, but the Senate was unable to approve its own version.

In the end, the reconciliation vehicle Republicans intended to use for a health care overhaul expired at the end of the 2017 fiscal year in September.

Fox News

http://www.foxnews.com/politics/2017/10/16/trump-mcconnell-pledge-unity-on-tax-reform-health-care-after-feud.html

Trump, McConnell pledge unity on tax reform, health care after feud

By Staff, 10/16/17

President Trump exited a White House meeting Monday with Sen. Mitch McConnell saying his relationship with the Senate majority leader is "better than ever" and they are working together on major legislative priorities including tax and health care reform.

"We've been friends for a long time," Trump said at a Rose Garden press conference following his meeting with McConnell, with whom he had a public falling out this summer. "We're fighting for big tax cuts. ... My relationship with this gentleman has been outstanding."

Trump also said they are working on a measure to repeal and replace ObamaCare by early next year.

"We have the same agenda. … We talk all of the time," said McConnell, who said their meeting also included discussions about judicial appointments and additional hurricane relief funding. "We are together totally on this agenda to move America forward."

McConnell's office earlier this week portrayed the White House meeting as a pro forma discussion about Republicans' legislative agenda through the fall, which would include big-ticket items like tax reform, immigration and perhaps revisiting health care reform.

However, the meeting was also the first real face-to-face the leaders have had since their public rift over the summer, after the Republican-controlled Senate failed give Trump his first major legislative victory by repealing and replacing ObamaCare.

Trump in August said he was “very disappointed in Mitch,” after McConnell, R-Ky., said the president had “excessive expectations” about the legislative process.

A McConnell spokesman told Fox News on Sunday that the senator’s meeting with Trump also would include discussions on completing a budget resolution, confirming qualified judicial and other nominees and considering hurricane relief funding.

Trump and McConnell spent a considerable amount of time during their roughly 30-minute press conference talking about such judicial nominations.

McConnell called Trump getting Justice Neil Gorsuch on the high court "the single most important thing the president has done."

Trump argued Senate Democratic leader Chuck Schumer "and his group" are holding up "every single nomination," which he called "beyond comprehension."

Trump also hinted at presenting an economic development plan in the near future, in a wide-ranging press conference in which he also said NFL players should be suspended for sitting during the national anthem. And he taunted 2016 presidential rival Hillary Clinton on the possibility of a rematch, saying "please run again."

The meeting came as conservative groups and former Trump chief political strategist Steve Bannon are pressuring McConnell and other congressional Republicans to relinquish their leadership posts.

"This is our war," Bannon said Saturday at a gathering of religious conservatives," "The establishment started it. ... You all are going to finish it."

Ken Cuccinelli, a former Virginia attorney general who now leads the Senate Conservatives Fund, said Wednesday on Capitol Hill, said: "We call on all five members of the GOP Senate leadership to step down, or for their caucus to remove them as soon as possible."

Meanwhile, Senate Republicans appear to be rallying around McConnell.

"Mitch McConnell's not our problem," Sen. Lindsey Graham, R-S.C., said Sunday. "Our problem is that we promised to repeal and replace ObamaCare, and we failed. We promised to cut taxes and we have yet to do it."

GOP Sen. Susan Collins, a moderate from Maine who was a critical "no" vote on health care, said Americans are tired of Bannon-like rhetoric.

"They don't want this hyper-partisanship," she said. Mitch McConnell is the Senate majority leader. "The president needs him. I'm glad they're working together on tax reform and a lot of other issues. And I'm glad they're meeting this week."

In August, Trump tweeted: "Can you believe that Mitch McConnell, who has screamed Repeal & Replace for 7 years, couldn't get it done. Must Repeal & Replace ObamaCare!"

McConnell responded to Trump's Twitter barrage by saying the challenges of governing shouldn't be a surprise.

"A lot of people look at all that and find it frustrating, messy. Well, welcome to the democratic process," McConnell said at a GOP event in Kentucky this summer. "That's the way it is in our country."

Twitter

Donald J. Trump @realDonaldTrump · 7h

Art Laffer just said that he doesn't know how a Democrat could vote against the big tax cut/reform bill and live with themselves! @FoxNews

9.2K 8.8K 37K

Donald J. Trump @realDonaldTrump · 7h

Replying to @realDonaldTrump

The Democrats only want to increase taxes and obstruct. That's all they are good at!

12K 8.5K 36K

Donald J. Trump @realDonaldTrump · 7h

Dem Senator Schumer hated the Iran deal made by President Obama, but now that I am involved, he is OK with it. Tell that to Israel, Chuck!

7.2K 13K 46K

Donald J. Trump @realDonaldTrump · 7h

Since Election Day on November 8, the Stock Market is up more than 25%, unemployment is at a 17 year low & companies are coming back to U.S.

9.6K 12K 54K

Donald J. Trump @realDonaldTrump · 7h

The U.S. has gained more than 5.2 trillion dollars in Stock Market Value since Election Day! Also, record business enthusiasm.

12K 12K 56K

Donald J. Trump @realDonaldTrump · 6h

I was recently asked if Crooked Hillary Clinton is going to run in 2020? My answer was, "I hope so!"

33K 22K 90K

To: Hewitt, James[hewitt.james@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Konkus, John[konkus.john@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]
From: Dravis, Samantha
Sent: Mon 10/16/2017 9:00:01 PM
Subject: RE: EPA Afternoon Highlights 10.16.17

I'm sorry.. Betsy Southerland was making $250,000? That is absolutely outrageous.

From: Hewitt, James
Sent: Monday, October 16, 2017 4:43 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: EPA Afternoon Highlights 10.16.17

EPA Afternoon Highlights 10.16.17

-

Bloomberg: Trump's EPA Swears Off Settling Lawsuits With Environmentalists

The Trump administration moved Monday to curb settlements with environmentalists, instead vowing to fight cases designed to force the Environmental Protection Agency to take action. EPA Administrator Scott Pruitt said he is ending a "sue-and-settle" practice that has resulted in committing the agency to regulating greenhouse gas emissions from power plants and refineries, among other things. "As of today with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told reporters at a briefing Monday. Pruitt promised in an address to EPA employees in February to avoid "regulation through litigation" and later instructed agency staff to limit the practice.

The Washington Free Beacon: PBS Airs Anti-Pruitt Documentary Funded By Environmentalist Group Backer

A new PBS Frontline documentary that paints Environmental Protection Agency administrator Scott Pruitt as a tool for the fossil fuel industry received major funding from a group that has given hundreds of thousands of dollars to environmentalist activists like the Sierra Club. The documentary, "War on the EPA," received major support from the Kendeda Fund, an Atlanta-based nonprofit focused on the environment and sustainability. The documentary features interviews with numerous Obama administration backers, including Gina McCarthy, the former EPA administrator, and Betsy Southerland, a former EPA director making $250,000 who claimed earlier this year she resigned in protest because of the Trump administration's budget. Southerland was eligible for early retirement and told coworkers she was retiring because of family issues.

The Washington Post: EPA Administrator Pruitt issues directive to curb settlements with outside groups

Environmental Protection Agency Administrator Scott Pruitt issued a directive on Monday to constrain the type of legal agreements the EPA can reach with groups pressuring it to regulate, a move he said could be copied by other federal agencies. Ending the practice known as "sue and settle" has long been a top priority for conservatives and business groups. In recent years, especially under the Obama administration, the EPA and other agencies resolved litigation over delays in issuing rules by agreeing to specific timelines to act and reimbursing plaintiffs' attorney fees. In a news briefing, Pruitt said he was taking action to ensure that consent decrees "are not used in an abusive fashion to subvert due process" and to exclude the public from weighing in.

Red State: Scott Pruitt Ends EPA Welfare Payments To Environmental Groups

One of the most egregious things about the EPA has always been the way it operated for the benefit of the large "environmental" groups and against the interests of states, communities, and individuals. Perhaps the worst part of this criminal collusion was the way the EPA used lawsuits against the EPA, coordinated with environmental groups, to short-circuit the rule-making process, deprive the public of a their right to petition the government, and keep the coffers of environmental groups topped off with EPA cash… Sometimes decrees were negotiated and approved that exceeded the authority of the court approving the decree…this is a different but related issue of the EPA and environmentalist groups cherry-picking courts and judges.

Talking Points Memo: EPA Chief Pruitt Looks To Kneecap Environmental Groups With New Policy

The head of the Environmental Protection Agency in effect declared trench warfare on environmental groups on Monday, ending a practice he dubbed "Sue & Settle" by which the

EPA would often settle lawsuits brought by outside groups in an attempt to get the agency to enforce its own rules. "As of today with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told a small group of reporters, including TPM, Monday morning at the EPA. "It's a regulation through litigation process." Pruitt painted the policy as a way that environmental groups profited off the agency during the Obama years, while those groups worked together to circumvent the normal rule-making process and create more stringent environmental regulations.

The Daily Caller: Trump's EPA Is Cracking Down On 'Sue And Settle' Lawsuits

Environmental Protection Agency (EPA) Administrator Scott Pruitt signed a directive ending an Obama-era legal practice that conservatives criticized as giving outside activists control of the regulatory process. "The days of regulation through litigation are over," Pruitt said in a statement issued Monday. Pruitt's order curbs the number of cases EPA settles with outside activist groups that file so-called "citizen suits." Outside groups, especially environmentalists, file citizen suits to force a federal agency to begin the rulemaking process. During the settlement process, environmentalists and government lawyers get to set new timetables for new regulations. States, industry groups and other third parties are largely left out of the settlement process.

The Washington Times: EPA to end Obama-era 'sue and settle' practice

The Trump administration on Monday took steps to end the highly controversial "sue and settle" practice that led directly to a host of environmental regulations throughout former President Obama's tenure. In an agency-wide directive, Environmental Protection Agency Administrator Scott Pruitt said the process has "harmed the American public" and kept citizens in the dark about exactly how rules and regulations are made. "The days of regulation through litigation are over," Mr. Pruitt said in a statement. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle."

Fox News: EPA's Pruitt moves to end Obama-era practice of 'sue and settle' with environmentalists

EPA Administrator Scott Pruitt moved Monday to end a controversial practice known as "sue and settle," which critics said was used during the Obama administration to cut deals with environmental groups leading to new regulations. "The days of regulation through litigation are over," Pruitt said in a statement, announcing a new EPA directive Republicans, including Pruitt, had fought with the Obama administration in court over what they described as a back-room

practice that led to more red tape. They claimed the EPA routinely entered into consent decrees with environmental groups that had sued the agency, in turn leading to new regulations for states – covering clean air rules and more – without allowing them to defend their interests.

Reuters: U.S. EPA head seeks to avoid settlements with green groups

The head of the U.S. Environmental Protection Agency issued a directive to his agency on Monday seeking to end the practice of settling lawsuits with environmental groups behind closed doors, saying the groups have had too much influence on regulation. EPA Administrator Scott Pruitt, who sued the agency he now runs more than a dozen times in his former job as attorney general of oil producing Oklahoma, has long railed against the so-called practice of "sue and settle." The EPA under former President Barack Obama quietly settled lawsuits from environmental groups with little input from regulated entities, such as power plants, and state governments, he argues. The directive seeks to make EPA more transparent about lawsuits by reaching out to states and industry that could be affected by settlements, forbidding the practice of entering into settlements that exceed the authority of courts, and excluding attorney's fees and litigation costs when settling with groups.

The Washington Examiner: Trump's EPA sets precedent by becoming first agency to end 'sue and settle' practice

The Environmental Protection Agency on Monday became the first of President Trump's agencies to issue an order barring the agency from being drawn into court settlements that alter environmental outcomes to the liking of environmental and other special interest groups. "The days of regulation through litigation are over," EPA chief Scott Pruitt declared in a statement. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress."

Western Journalism: Trump's EPA Closes 'Regulation Thru Litigation' Loophole

EPA Administrator Scott Pruitt has announced that the agency will immediately attempt to avoid entering into legal settlements with environmentalist groups seeking to use the power of the courts to force the agency into implementing unwanted rules and regulations. "As of today, with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told reporters at a briefing Monday, referencing an agency-wide memo issued earlier. This practice, described by Pruitt as "regulation through litigation," involved environmental groups trying to "bypass" the traditional regulatory process by suing the EPA, forcing the agency into settlements, Bloomberg reported.

Time: The EPA Is Ending an Obama-Era Practice That Conservatives Say Sped Up New Rules

The Environmental Protection Agency will stop issuing new environmental regulations in response to lawsuits from outside groups, ending a practice that conservatives say had been used by environmental groups during the Obama Administration to speed up the process, the agency's head said Monday. In a briefing for reporters, EPA Administrator Scott Pruitt said that the reversal was a matter of following proper procedure. "We are no longer going to be engaged in that practice," EPA Administrator Scott Pruitt said in a briefing for reporters. "It's a very important day to make sure that as we engage in our rulemaking process we respect the process that Congress has established."

-

National Afternoon News Highlights 10.16.17

The Washington Examiner: Federal judge in Bob Menendez bribery case strikes down request for acquittal

A federal judge overseeing the bribery case against Sen. Bob Menendez, D-N.J., says he won't dismiss any of the charges against the senator, leaving it up to the jury to decide his fate. On Monday, Judge William Walls ruled against the defense's argument to drop the charges against the New Jersey lawmaker, claiming that they did not meet the definition of bribery under the 2016 Supreme Court decision against former Virginia Gov. Bob McDonnell. The Democratic senator is facing 18 criminal counts alongside his friend and wealthy Floridian, Dr. Salomon Melgen.

The Hill: Ryan projects House will pass tax bill by early November

Speaker Paul Ryan (R-Wis.) offered an ambitious timeline on Monday for when Congress will enact tax reform this year, starting with House passage of a bill in the next month. Ryan predicted in an interview with Milwaukee radio station WTMJ that tax overhaul legislation would pass in the House by "early November" and make it through the Senate to President Trump's desk by the end of December. Formal legislation to reform the tax code has not yet been released. The House adopted a budget resolution earlier this month to unlock budgetary rules known as reconciliation so that Republicans can pass tax reform and circumvent a Democratic filibuster in the Senate.

Fox News: Trump, McConnell pledge unity on tax reform, health care after feud

President Trump exited a White House meeting Monday with Sen. Mitch McConnell saying his relationship with the Senate majority leader is "better than ever" and they are working together on major legislative priorities including tax and health care reform. "We've been friends for a long time," Trump said at a Rose Garden press conference following his meeting with McConnell, with whom he had a public falling out this summer. "We're fighting for big tax cuts. ... My relationship with this gentleman has been outstanding." Trump also said they are working on a measure to repeal and replace ObamaCare by early next year.

TRUMP TWEETS

Bloomberg

https://www.bloomberg.com/news/articles/2017-10-16/trump-s-epa-swears-off-settling-lawsuits-with-environmentalists

Trump's EPA Swears Off Settling Lawsuits With Environmentalists

By Jennifer Dlouhy, 10/16/17

The Trump administration moved Monday to curb settlements with environmentalists, instead vowing to fight cases designed to force the Environmental Protection Agency to take action.

EPA Administrator Scott Pruitt said he is ending a "sue-and-settle" practice that has resulted in committing the agency to regulating greenhouse gas emissions from power plants and refineries, among other things.

"As of today with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told reporters at a briefing Monday.

Pruitt promised in an address to EPA employees in February to avoid "regulation through litigation" and later instructed agency staff to limit the practice. Separately, Attorney General Jeff Sessions has barred federal attorneys from negotiating settlements that result in payments

from companies to third-party organizations, such as environmental groups.

But Pruitt's new directive makes it formal. Under the policy, the agency will publicize legal petitions that could lead to settlements and proposed agreements. The EPA also will not agree to substantively change regulatory timelines -- such as making commitments to rapidly issue rules -- through the settlement process.

The move takes aim at a practice conservatives have long criticized as empowering environmental groups to force federal agencies to issue regulations and commit to timelines for imposing them. Agencies that agree to settle with those groups -- and stop defending themselves in court -- generally negotiate the agreements privately, without the kind of public process that typically guides federal rulemaking. The resulting agreements effectively allow outside groups to hijack a federal agency's agenda, opponents say.

"It's a regulation through litigation process" that serves to "bypass" the formal rulemaking process, Pruitt told reporters at a briefing Monday. "As of today with this directive and the memorandum, we're no longer going to be involved in that practice."

Recent U.S. clean air rules have been driven by such legal settlements, including former President Barack Obama's Clean Power Plan, which aims to pare greenhouse gas emissions from electricity. Pruitt's EPA proposed repealing that initiative last week.

In December 2010, the EPA pledged to set curbs on carbon dioxide emissions from power plants and oil refineries as part of a settlement with environmental groups and more than a dozen state and local governments. The EPA blew the deadline for the power plant rule -- originally due in May 2012, though finally imposed more than three years later -- and never finalized similar standards for refineries.

"There is a time to settle cases," Pruitt said. "This is not a statement against consent decrees generally or settlements generally. It's the abuses around those practices that we are aiming at here" to make sure they are not used to "subvert" the process.

This is going to be applied "across the board," with every plaintiff that sues the agency. "This is not particular to one type of plaintiff," Pruitt said.

The EPA settled more than 60 lawsuits with outside groups between 2009 and 2012, resulting in more than 100 new regulations, according to the U.S. Chamber of Commerce, which has criticized the practice.

"Over the past decade, the business community has expressed growing concern about interest groups using lawsuits against federal agencies and subsequent consent decrees approved by a court as a shortcut technique to influence agencies' regulatory agendas," Chamber senior vice president William Kovacs told a House subcommittee hearing in May.

Advocacy groups sometimes sue to compel federal agencies to act when they are slow to finalize requirements or are ignoring an issue altogether. For instance, the EPA settlement on greenhouse gases from power plants and refineries came in part because the agency did not tackle the issue despite a 2009 conclusion that the emissions endanger the public health and welfare.

The federal government doesn't just settle lawsuits with environmental organizations. Lawsuits filed by trade associations and special interest groups as well as corporations are also fair game for legal settlements.

Any policy that discourages negotiations aimed at resolving those lawsuits early could lead to more protracted court battles, legal experts said.

"Lawsuits are incredibly expensive," said Joshua Galperin, a research scholar at Yale Law School. "Environmental groups and industry groups both -- and those are the groups who sue EPA -- they're both well-funded" and "can continue the process of a lawsuit really as long as it takes."

The Washington Free Beacon

http://freebeacon.com/politics/pbs-airs-anti-pruitt-documentary-funded-environmentalist-group-backer/

PBS Airs Anti-Pruitt Documentary Funded By Environmentalist Group Backer

By Elizabeth Harrington, 10/16/17

A new PBS Frontline documentary that paints Environmental Protection Agency administrator Scott Pruitt as a tool for the fossil fuel industry received major funding from a group that has given hundreds of thousands of dollars to environmentalist activists like the Sierra Club.

The documentary, "War on the EPA," received major support from the Kendeda Fund, an Atlanta-based nonprofit focused on the environment and sustainability.

The documentary features interviews with numerous Obama administration backers, including Gina McCarthy, the former EPA administrator, and Betsy Southerland, a former EPA director making $250,000 who claimed earlier this year she resigned in protest because of the Trump administration's budget. Southerland was eligible for early retirement and told coworkers she was retiring because of family issues.

Southerland tells PBS that Pruitt's EPA is a "clear and present danger to public health and safety in this country."

The documentary calls critics of the Obama administration's wide-ranging regulatory actions targeting the coal industry and nuclear power plants "climate deniers" and "extreme." The PBS narrator refers to Sen. James Inhofe (R., Okla.) as "the Senate's leading climate change denier" and features Jane Mayer, a journalist with the New Yorker, calling the Trump EPA "radical."

"What you see now in the Trump administration is the triumph of the anti-environmental movement," Mayer says. "They are now in control of the government and in control of the regulatory process in a kind of a brazen way we haven't seen before."

Obama administration alums are depicted as crusaders against pollution, as they appear in interviews dismayed by President Trump and Pruitt following through on campaign promises to roll back environmental regulations.

Gina McCarthy said the repeal of the Clean Power Plan, which was blocked by the Supreme Court and could have shrunk the coal industry by nearly half, was "disturbing."

Eric Schaeffer, a former EPA director of civil enforcement, called Pruitt's EPA a "hostile takeover" and a "political operation."

Jerry Taylor, a former fellow at the Cato Institute who now is in favor of a carbon tax, tells PBS the "conservative narrative" of a war on coal was "disconnected from reality."

PBS does not include clips in the documentary of Obama and Hillary Clinton discussing the coal industry. Obama said, "electricity rates would necessarily skyrocket" under his cap and trade plan, while Clinton boasted during a debate, "We are going to put a lot of coal miners and coal companies out of business."

PBS also interviews Eric Lipton of the New York Times, who was bothered by paintings in Pruitt's old attorney general office in Oklahoma that pictured sheriffs in the Old West and a Native American sheriff.

"When I first got to [Pruitt's] office, there were these large paintings on the wall," Lipton said. "It just struck me that this was the real Wild West, that we will dispense our own justice." The camera zoomed in on the painted gun in a holster, as ominous music played.

PBS also attempts to tie Pruitt to the Koch brothers and paints a picture of the administrator receiving dark money from oil and gas companies.

PBS says, "Much of the Koch's fortune came from oil and gas, and they would spend millions opposing Obama's initiatives."

The documentary received major funding from Kendeda, which in turn has donated to many liberal groups that lobby for climate change regulations. On its website, Kendeda encourages "activism that promotes solutions to the social and equity challenges caused by climate change."

Kendeda has donated to numerous environmentalist activist organizations, including: $70,000 to the Sierra Club, $50,000 to Earthjustice, $50,000 to the Southern Alliance for Clean Energy, and $500,000 to the U.S. Climate Action Network in 2015.

A spokesperson for WGBH, which put on the documentary, told the Free Beacon that the Kendeda Fund did not directly fund the documentary.

"The Kendeda Fund provides support to many organizations and groups, including schools and military families, and they have provided funding to WGBH under their People, Place, and Planet program for use in a variety of WGBH programs," said Jeanne Hopkins, vice president for communications. "Some was used to support this FRONTLINE film, along with its many other funding sources. They did not directly fund this program."

"War on the EPA was a political story full of voices on both sides of a contentious issue," Hopkins continued. "The film spent considerable time illuminating the roots of conservative thinking and action towards the EPA and featured key figures from industry and the movement around Scott Pruitt, including Bob Murray, CEO of Murray Energy and Myron Ebell, the head of President Trump's EPA transition team."

The group also donated $250,000 to the New Venture Fund, which also supports environmentalist organizations. The same year, New Venture Fund donated $515,000 to the Sierra Club Foundation and $95,000 to 350.org, which vows to "stop fossil fuels."

The documentary also features Andrew Miller, a lobbyist for Southern Company, who was asked

by PBS if it was "unseemly" that oil and gas companies lobbied against Obama's environmental regulations and that Pruitt and other Republican attorneys general filed lawsuits to stop the rules.

"Not at all," Miller said. "And the reason I say that is you have the Sierra Club partnering with attorneys general on the other side."

"It's all part of the Democratic process," he said.

The Washington Post

https://www.washingtonpost.com/politics/epa-administrator-pruitt-issues-directive-to-curb-settlements-with-outside-groups/2017/10/16/b62967ba-b280-11e7-be94-fabb0f1e9ffb_story.html?utm_term=.aaefc224f3ed

EPA Administrator Pruitt issues directive to curb settlements with outside groups

By Juliet Eilperin, 10/16/17

Environmental Protection Agency Administrator Scott Pruitt issued a directive on Monday to constrain the type of legal agreements the EPA can reach with groups pressuring it to regulate, a move he said could be copied by other federal agencies.

Ending the practice known as “sue and settle” has long been a top priority for conservatives and business groups. In recent years, especially under the Obama administration, the EPA and other agencies resolved litigation over delays in issuing rules by agreeing to specific timelines to act and reimbursing plaintiffs’ attorney fees.

In a news briefing, Pruitt said he was taking action to ensure that consent decrees “are not used in an abusive fashion to subvert due process” and to exclude the public from weighing in.

"It's very important that we do not get engaged in regulation through litigation," he said. "This is something that is a long time coming with respect to this agency."

Pruitt said his action will not bar the EPA from reaching settlements with outside litigants but that he wanted to block any agreements "changing a discretionary duty to a nondiscretionary duty."

He said it also was important to end the payout of attorney fees, since such settlements have "no prevailing party" and some payments are part of informal agreements that cannot be easily tracked.

The directive will provide for greater disclosure of potential settlements by directing the EPA to publish any notice of intent to sue within 15 days of receiving it; reaching out to states and any other entities potentially affected by such suits; and posting any proposed or modified consent decrees and settlements for a 30-day public comment period.

His push is part of a broader effort by the Trump administration to limit federal funding to outside groups as part of litigation. In June, Attorney General Jeff Sessions issued a memo to block payments to third-party, not-for-profit groups as part of environmental settlements. Instead of allowing defendants to fund environmental measures as a way of meeting their obligations for violating the law, Sessions argued, such penalties should go directly to the U.S. Treasury.

But environmentalists question whether Pruitt's directive, inspired by a memorandum that then-Attorney General Edwin Meese issued in the 1980s, will have much direct impact. The Clean Air Act and other environmental laws provide citizens and outside groups broad latitude to sue the EPA when it is failing to meet statutory deadlines, and the judge handling such cases typically determines the amount of legal fees the government must pay as part of any consent decree.

"That's not his decision to make," John Walke, of the Natural Resources Defense Council's Clean Air Project, said in an interview Monday. "A judge can impose attorney fees when an agency violates the law and citizens file suit to hold the government accountable."

The Clean Air Act already requires the EPA and the Justice Department to provide a 30-day public comment period for all consent decrees and settlement agreements before they are finalized or filed with a court, Walke said. Pruitt's action is "a lot of political puffery," he said.

Pruitt emphasized that some agreements the Obama administration reached with environmental groups, such as one aimed at curbing regional haze, were forged without the input of affected states. In that particular case, he noted, North Dakota sought to intervene but was excluded. Nonetheless, the consent decree "imposed obligations" on North Dakota once it was finalized.

The Government Accountability Office, which published a 2014 report on the EPA's practice of settling with outside groups, found that the agreements it examined had only "limited" impact on the agency's rulemaking process.

Officials in the agency's air quality office, according to the GAO, "said that deadline suits affect the timing and order in which rules are issued but not which rules are issued."

Red State

https://www.redstate.com/streiff/2017/10/16/scott-pruitt-epa-sue-and-settle/

Scott Pruitt Ends EPA Welfare Payments To Environmental Groups

By Strieff, 10/16/17

One of the most egregious things about the EPA has always been the way it operated for the benefit of the large "environmental" groups and against the interests of states, communities, and individuals. Perhaps the worst part of this criminal collusion was the way the EPA used lawsuits against the EPA, coordinated with environmental groups, to short-circuit the rule-making process, deprive the public of a their right to petition the government, and keep the coffers of environmental groups topped off with EPA cash.

his is how it worked:

"Sue and Settle " practices, sometimes referred to as "friendly lawsuits", are cozy deals through which far-left radical environmental groups file lawsuits against federal agencies wherein court-ordered "consent decrees" are issued based upon a prearranged settlement agreement they collaboratively craft together in advance behind closed doors. Then, rather than allowing the entire process to play out, the agency being sued settles the lawsuit by agreeing to move forward with the requested action they and the litigants both want.

In other words, the agency throws the case, somewhat like Bre'r Rabbit agreeing to be thrown into a favorite brier-patch. A big difference however, is that in this case, Farmer McGregor andMr. Rabbit were partners in the scam from the beginning. It's the unwary American public that actually does get caught in the thorns.

While the environmental group is given a seat at the table, outsiders who are most impacted are excluded, with no opportunity to object to the settlements. Accordingly, both the litigants and the defendant agency, operating in coffee bars and friendly courtroom shadows, avoid the harsh outside glare of oversight. No public notice about the settlement is released until the agreement is filed in court…after the damage has been done.

Sometimes decrees were negotiated and approved that exceeded the authority of the court approving the decree…this is a different but related issue of the EPA and environmentalist groups cherry-picking courts and judges. Not only do the 'green' groups often get cash payouts above and beyond attorney's fees, the policies they impose are often detrimental and would never have been enacted had state and local officials had the opportunity to weigh in:

The Chamber's study author, William Yeatman, Assistant Director for Energy and Environment at the Competitive Enterprise Institute (CEI), emphasizes that EPA's abuse of its Regional Haze authority forces states to relinquish their authority and accept EPA's far more expensive plans, thereby increasing consumer utility charges. He concluded that: "… no state is immune from having its rightful Regional Haze authority trampled by EPA at profound costs for virtually nonexistent benefits."

Having conducted eight state case studies, Yeatman found that:

•□□□□□□□□ In Arizona, EPA's Regional Haze regulation threatens to increase the cost of water, forcing the state to spend an additional $90.2 million per year to implement the federal regulation.

•□□□□□□□□ In Montana, EPA's proposed Regional Haze controls are nearly 250% more expensive than what that agency's standing rules presume to be "cost-effective" for compliance,

•□□□□□□□□ In 2011, the EPA disregarded New Mexico's Regional Haze plan, instead imposing a federal plan that requires nearly $840 million more in capital costs…potentially raising average annual household utility bills by $120.

•□□□□□□□□ Although North Dakota is one of only 12 states that achieves all of EPA's air quality standards for public health, it would not be able to achieve EPA's Regional Haze goals for visibility even by shutting down all industry. The EPA plan would also cost the state an additional $13 million per year,

•□□□□□□□□ Refusing to approve Oklahoma's Regional Haze plan, the EPA's plan would cost the state $282 million annually.

•□□□□□□□□ In Wyoming, the EPA proposed a federal implementation plan that would cost almost $96 million per year more than the state's plan.

•□□□□□□□□ Minnesota is subject to back-to-back Regional Haze regulations, whereby EPA is claiming authority to regulate regional haze twice in succession at its Sherburne County generating plant.

•□□□□□□□□ EPA's proposed plan would cost Nebraska nearly $24 million per year to achieve invisible "benefits".

The deals were cloaked in secrecy and top EPA officials were very much hands-on in working to use these agreements to keep the public in the dark:

Unfortunately, getting federal agencies to comply with formal FOIA requests isn't proving to be easy. And to make matters worse, there is evidence that top bureaucrats have even used private e-mail accounts and aliases to cover culpability tracks.

For example, Senator Vitter, along with Representative Darrell Issa (R-Calif.) who heads the

House Oversight and Government Reform Committee, recently sent a letter to James Martin, EPA's Region 8 administrator, warning him: "The use of personal, non-official e-mail accounts raises concerns that you could be attempting to insulate this and other e-mail correspondence from a Freedom of Information Act request. Moreover, your actions may also constitute violation of the Federal Records Act"…evading congressional oversight of federal agencies.

One of those private e-mails at issue involved an exchange between Martin and Vickie Patton, the General Counsel for the Environmental Defense Fund, regarding an arranged meeting with him. Patton wrote: "Hi Jim, Next Monday or Tuesday December 12/13 at 9am depending on which is best for you." Responding, Martin replied: "January 13 at 9:00 am works for me if it works for you. (Lost your original note-is that the date and time you proposed?" Vitter and Issa have confirmed that the meeting did, in fact, take place at the EPA regional office.

Several Martin e-mails were released by EPA as the result of a FOIA lawsuit lodged by Christopher Horner of the Competitive Enterprise Institute. Horner's efforts also revealed evidence that former EPA Administrator Lisa Jackson was conducting official agency business under cover of the alias name "Richard Windsor", and CEI also sued EPA seeking e-mails concerning the EPA's behind-the-scenes regulatory war on coal plants. Horner's new book, The Liberal War on Transparency, discusses this and other tricks.

Suspicions abound that the exposure of Jackson's undercover communications had much to do with her departure decision shortly afterwards. Senator Vitter commented: "I think this e-mail issue clearly spurred Lisa Jackson's resignation. But it's much broader than her. It's about a culture of hiding an extreme agenda from Americans because it can't be sustained in public debate."

For more information you need to read this report by Heritage and these links from US Chamber of Commerce (here | here).

Shortly after he was nominated, EPA Administrator Scott Pruitt said that he would end this anti-democratic process. Today he delivered.

In fulfilling his promise to end the practice of regulation through litigation that has harmed the American public, EPA Administrator Scott Pruitt issued an Agency-wide directive today

designed to end "sue and settle" practices within the Agency, providing an unprecedented level of public participation and transparency in EPA consent decrees and settlement agreements.

"The days of regulation through litigation are over," said EPA Administrator Scott Pruitt. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle."

…

"Sue and settle" cases establish Agency obligations without participation by states and/or the regulated community; foreclose meaningful public participation in rulemaking; effectively force the Agency to reach certain regulatory outcomes; and, cost the American taxpayer millions of dollars.

Read the whole letter.

Of course, the EPA is still bound by past shenanigans but going forward the 'green' groups will find the EPA is not a willing partner in litigation.

Talking Points Memo

http://talkingpointsmemo.com/dc/epa-chief-scott-pruitt-looks-to-kneecap-environmental-groups-with-new-sue-and-settle-policy

EPA Chief Pruitt Looks To Kneecap Environmental Groups With New Policy

By Cameron Joseph, 10/16/17

The head of the Environmental Protection Agency in effect declared trench warfare on environmental groups on Monday, ending a practice he dubbed "Sue & Settle" by which the EPA would often settle lawsuits brought by outside groups in an attempt to get the agency to enforce its own rules.

"As of today with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told a small group of reporters, including TPM, Monday morning at the EPA. "It's a regulation through litigation process."

Pruitt painted the policy as a way that environmental groups profited off the agency during the Obama years, while those groups worked together to circumvent the normal rule-making process and create more stringent environmental regulations.

"We should engage in rule-making that takes into consideration the voices that will be impacted across the country," he said. "What this sue-and-settle practice has done historically has bypassed that altogether."

The rule change could force environmental groups to spend much more time and effort on lawsuits aimed at making the EPA enforce its own rules and abide by agreed-upon timelines—spreading them thinner and making it harder for them to expend effort on other, more complicated cases. The EPA's decision to refuse to reimburse lawyers' fees also could be costly to environmental groups, as well as make it harder and less likely for average citizens and localities to undertake lawsuits to get the EPA to do what it's legally required to do.

Pruitt pledged that the agency would no longer reimburse attorneys' fees in cases where it decides to avoid a lawsuit, arguing that both environmental and business groups had abused it to enrich themselves in the past.

"This is not particular to one type of plaintiff," he said. "There should be no attorneys' fees paid, period, no matter who the plaintiff is."

Combined with measures to slash staff, a pattern of issuing fewer and lighter fines, and the rollback of Obama-era rules that crack down on greenhouse gas emissions from power plants to mitigate the effects of climate change, Pruitt's latest move is part of an overall shift at Trump's EPA that's radically more friendly to big business and hostile towards environmental groups.

The U.S. Chamber of Commerce, for instance, has railed against "Sue & Settle" for years.

The new memorandum formalizes a position of fighting every lawsuit tooth-and-nail that Pruitt had announced early in his tenure at the EPA. Back in February, he'd promised he wouldn't allow "regulation through litigation." The Justice Department also has stopped negotiating settlements that end up with payments to outside groups to cover attorneys' or other fees.

Fewer than a dozen reporters were included at the event with Pruitt, and some of them, including TPM, rarely if ever cover the environmental beat closely—a fact that frustrated some environmental reporters who weren't invited to attend:

Hear the full audio of the event below:

https://soundcloud.com/user-850821996/epa-administrator-scott-pruitt-speaks-to-reporters

The Daily Caller

http://dailycaller.com/2017/10/16/trumps-epa-is-cracking-down-on-sue-and-settle-lawsuits/?utm_source=site-share

Trump's EPA Is Cracking Down On 'Sue And Settle' Lawsuits

By Mike Bastasch, 10/16/17

Environmental Protection Agency (EPA) Administrator Scott Pruitt signed a directive ending an Obama-era legal practice that conservatives criticized as giving outside activists control of the regulatory process.

"The days of regulation through litigation are over," Pruitt said in a statement issued Monday.

Pruitt's order curbs the number of cases EPA settles with outside activist groups that file so-called "citizen suits." Outside groups, especially environmentalists, file citizen suits to force a federal agency to begin the rulemaking process.

During the settlement process, environmentalists and government lawyers get to set new timetables for new regulations. States, industry groups and other third parties are largely left out of the settlement process.

Republicans and conservative legal scholars labelled the practice "sue and settle" since the Obama administration often settled with outside groups, effectively giving activists control of the environmental regulatory agenda.

Pruitt also targeted the attorneys fees paid out to outside groups suing EPA to force a rulemaking. A 2016 Daily Caller News Foundation investigation found federal agencies pay out at least $50 million in attorneys fees for "sue and settle" cases since 2009.

A 2013 study by the U.S. Chamber of Commerce identified at least 71 lawsuits between 2009 and 2012 as "sue-and-settle" cases, and these resulted in more than 100 new regulations — many of which cost more than $100 million a year.

The Obama administration's Clean Power Plan, for example, is the result of a "sue and settle" lawsuit. EPA began the process of repealing that regulation last week.

"We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress," Pruitt said.

Pruitt's policy requires EPA to publish all citizen suits and settlements online for the public to see. EPA will also be limited in what kinds of settlements it can make with activists, and officials must reach out to states and other third parties.

Environmentalists weren't very happy with Pruitt's directive.

Federal environmental laws give individuals and groups the ability to sue agencies that don't issue a regulation by a statutory deadline. Groups that sue can also get their attorneys fees reimbursed.

EPA is just one of the many federal agencies activists sue every year to force new regulations. The U.S. Fish and Wildlife Service is the focus of many lawsuits, demanding the agency issue ruling on whether or not certain species are endangered.

Federal agencies paid out $30 million to attorneys for 237 citizen suits under the Endangered Species Act, a 2016 DCNF investigation found.

The Washington Times

http://www.washingtontimes.com/news/2017/oct/16/epa-end-obama-era-sue-and-settle-practice/

EPA to end Obama-era 'sue and settle' practice

By Ben Wolfgang, 10/16/17

The Trump administration on Monday took steps to end the highly controversial "sue and settle" practice that led directly to a host of environmental regulations throughout former President Obama's tenure.

In an agency-wide directive, Environmental Protection Agency Administrator Scott Pruitt said the process has "harmed the American public" and kept citizens in the dark about exactly how rules and regulations are made.

“The days of regulation through litigation are over,” Mr. Pruitt said in a statement. “We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney’s fees to these groups with which we swiftly settle.”

Sue and settle, which became commonplace during Mr. Obama’s tenure as his EPA developed tight-knit relationships with top environmental groups, essentially is a way to circumvent the formal rulemaking procedures. Under the practice, sometimes called “friendly lawsuits,” an outside group would sue a department or agency — in this case, the EPA — and ask that certain regulatory steps be taken, or that entirely new regulations be put in place.

Often, the agency would agree to settle the case outside of court, and the settlement agreement would provide a legal loophole for the EPA to simply enact the changes the outside organization sought without having to go through the traditional rule-making process, which requires public comment, draft proposals, and a host of other steps designed to keep the public informed.

Numerous Obama-era environmental policies were initially put in place as a result of sue and settle. They include: the Mercury Air Toxics Standards for Utilities rule; Regional Haze rules; Chesapeake Bay Clean Water Act rules; and many others related to air quality and energy exploration, according to a list released last month by the U.S. Chamber of Commerce.

Critics of sue and settle say that regardless of one’s opinion on climate change and environmental regulation, the practice itself is highly secretive and one of the worst examples of government colluding with outside groups.

“These egregious antics have effectively handed over the setting of agency priorities to environmental pressure groups, led to rushed rulemaking, and even altered the substance of regulations before they have been published,” said Daren Bakst, research fellow in agricultural policy at the conservative Heritage Foundation. “The EPA is making it clear that the public and the integrity of the rulemaking process are no longer going to be sacrificed for the political objectives of narrow interests.”

Fox News

http://www.foxnews.com/politics/2017/10/16/epas-pruitt-moves-to-end-obama-era-practice-sue-and-settle-with-environmentalists.html

EPA's Pruitt moves to end Obama-era practice of 'sue and settle' with environmentalists

By Staff, 10/16/17

EPA Administrator Scott Pruitt moved Monday to end a controversial practice known as "sue and settle," which critics said was used during the Obama administration to cut deals with environmental groups leading to new regulations.

"The days of regulation through litigation are over," Pruitt said in a statement, announcing a new EPA directive

Republicans, including Pruitt, had fought with the Obama administration in court over what they described as a back-room practice that led to more red tape. They claimed the EPA routinely entered into consent decrees with environmental groups that had sued the agency, in turn leading to new regulations for states – covering clean air rules and more – without allowing them to defend their interests.

"We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress," Pruitt said in a statement Monday.

Under the new policy, Pruitt said that whenever a settlement or consent decree is being considered, the EPA should reach out to any states or entities affected. He also wants to make sure related complaints or notices are published promptly, to forbid consent decrees "that exceed the authority of the courts," and to give time to modify proposed regulations and consider public comment.

Pruitt was one of the most outspoken critics of “sue and settle” during the Obama administration, when as Oklahoma attorney general he participated in multiple lawsuits against the agency he now leads.

Pruitt claimed at the time that dozens of lawsuits filed by environmental groups led to settlement arrangements that included terms beyond the guidelines approved by Congress.

The Obama EPA denied this at the time, maintaining that outside groups could not compel the agency to take any action they weren’t already compelled to take by law.

Environmental groups could respond with more court action. The Sierra Club on Monday retweeted an environmentalist who predicted: “Scott Pruitt will be spending a lot more of your taxpayer dollars defending his inaction in court.”

Reuters

http://news.trust.org/item/20171016165200-tm1oe/

U.S. EPA head seeks to avoid settlements with green groups

By Timothy Gardner, 10/16/17

The head of the U.S. Environmental Protection Agency issued a directive to his agency on Monday seeking to end the practice of settling lawsuits with environmental groups behind closed doors, saying the groups have had too much influence on regulation.

EPA Administrator Scott Pruitt, who sued the agency he now runs more than a dozen times in his former job as attorney general of oil producing Oklahoma, has long railed against the so-called practice of "sue and settle." The EPA under former President Barack Obama quietly settled lawsuits from environmental groups with little input from regulated entities, such as power

plants, and state governments, he argues.

The directive seeks to make EPA more transparent about lawsuits by reaching out to states and industry that could be affected by settlements, forbidding the practice of entering into settlements that exceed the authority of courts, and excluding attorney's fees and litigation costs when settling with groups.

Most lawsuits by green groups on the agency seek to push the agency to speed up regulation on issues such as climate and air and water pollution, studies have shown.

"The days of regulation through litigation are over," Pruitt said. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the agency."

Pruitt's order was supported by conservative groups.

Daren Bakst, a research fellow in agricultural policy at the Heritage Foundation think tank, said sue and settle has led to "egregious antics" that have "effectively handed over the setting of agency priorities to environmental pressure groups," and has led to rushed rulemaking by the agency.

But Pat Parenteau, an environmental law professor at the Vermont Law School, said Pruitt's directive would be "counterproductive" and costly because in the end courts could fine the agency if it does not meet compliance dates for issuing regulations.

"He can fight it if he wants as long as he wants, and spend as much money as he wants," Parenteau said. "But in the end if you've missed a statutory deadline, you are going to be ordered (by a court) to comply and then you are going to be ordered to pay fees."

The Washington Examiner

http://www.washingtonexaminer.com/trumps-epa-sets-precedent-by-becoming-first-agency-to-end-sue-and-settle-practice/article/2637650

Trump's EPA sets precedent by becoming first agency to end 'sue and settle' practice

By John Siciliano, 10/16/17

The Environmental Protection Agency on Monday became the first of President Trump's agencies to issue an order barring the agency from being drawn into court settlements that alter environmental outcomes to the liking of environmental and other special interest groups.

"The days of regulation through litigation are over," EPA chief Scott Pruitt declared in a statement. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress."

Pruitt's order would also end the practice of paying out "tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle," Pruitt added.

The litigation tool, commonly referred to as "sue and settle," was used with great success by environmental groups under the Obama administration to force a regulatory process behind closed doors, according to Pruitt. The Sierra Club, for example, used the legal tactic often as part of its "Beyond Coal" campaign program to force coal-fired power plants into early retirement.

It is a tactic that has served the environmental community well over the last decade. But EPA Administrator Scott Pruitt sought to change all of that on Monday through a new agency-wide policy to bar it from entering settlements where all affected stakeholders would be not be included in the final court-enforced settlement and consent decree.

Industry groups like the Chamber of Commerce have lobbied consistently against the practice of sue and settle, and Republicans on Capitol Hill have introduced legislation to confront the issue in recent years without much success.

It is "something a long time coming … and a very important day," Pruitt told reporters early Monday morning ahead of signing a memorandum directing the agency not to enter into sue and settle agreements.

"We are no longer going to be engaged in that practice anymore," he said. "What this sue and settle process has done is bypass the regulatory process altogether."

He called the practice "wrong," and said the agency is "the first agency to issue this directive in a memorandum" to challenge and stop abuse of the sue and settle process.

"It is a practice not unique to the EPA," but the number of cases brought to the agency to enter court-enforced settlements has placed it "in first place," Pruitt added.

"We are the first agency to take this action," he said, although Attorney General Jeff Sessions is "keenly interested" in engaging the issue of sue and settle across the government.

Pruitt said that "other agencies are taking notice as well."

Western Journalism

https://www.westernjournalism.com/trumps-epa-closes-regulation-thru-litigation-loophole/

Trump's EPA Closes 'Regulation Thru Litigation' Loophole

By V. Saxena, 10/16/17

EPA Administrator Scott Pruitt has announced that the agency will immediately attempt to avoid

entering into legal settlements with environmentalist groups seeking to use the power of the courts to force the agency into implementing unwanted rules and regulations.

"As of today, with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told reporters at a briefing Monday, referencing an agency-wide memo issued earlier.

This practice, described by Pruitt as "regulation through litigation," involved environmental groups trying to "bypass" the traditional regulatory process by suing the EPA, forcing the agency into settlements, Bloomberg reported.

Also known as "sue and settle," the strategy became popular among environmentalists during the tenure of former President Barack Obama. During Obama's first term in office, the EPA entered into over 60 such settlements and was forced to publish over 100 new regulations.

"Both data and anecdotal evidence show that, under the Obama Administration, consent-decree settlements have become more frequent," The Heritage Foundation noted in 2014.

Robert L. Bradley, the founder and CEO of the Institute for Energy Research, even suggested in a column for The Hill two years ago that "legal collusion … has occurred between federal agencies, including the Environmental Protection Agency (EPA), and well-heeled environmental groups."

"It typically begins with agencies being sued by environmentalists for failing to meet regulatory deadlines and then agreeing to settle the disputes out-of-court," he wrote. "These settlements, which achieve the environmentalists' goals and timeline, are written behind closed doors with little or no input from affected parties."

It's also believed the widely panned Clean Power Plan, which current President Donald Trump has only recently effectively gutted, was pieced together via this same practice.

Pruitt made it clear on Monday this sort of collusion won't be tolerated anymore.

"The days of this regulation through litigation are terminated," he announced. "'Sue and settle,' as this tactic has been called, undermines the fundamental principles of government that I outlined on my first day."

The Washington Examiner reported that during an informal briefing on Monday, Pruitt noted that the EPA was "the first agency to issue this directive in a memorandum to challenge and stop abuse of the sue and settle process."

"We are the first agency to take this action," Pruitt said.

He noted as well that this problem is "not unique to the EPA" and that Attorney General Jeff Sessions is "keenly interested" in implementing similar policies across the entire government.

But Pruitt also pointed out that settlements wouldn't themselves be banned.

"There is a time to settle cases," he said. "This is not a statement against consent decrees generally or settlements generally. It's the abuses around those practices that we are aiming at here."

Time

http://time.com/4983904/epa-regulations-rules-lawsuits-scott-pruitt/

The EPA Is Ending an Obama-Era Practice That Conservatives Say Sped Up New Rules

By Justin Worland, 10/16/17

The Environmental Protection Agency will stop issuing new environmental regulations in response to lawsuits from outside groups, ending a practice that conservatives say had been used by environmental groups during the Obama Administration to speed up the process, the agency's head said Monday.

In a briefing for reporters, EPA Administrator Scott Pruitt said that the reversal was a matter of following proper procedure.

"We are no longer going to be engaged in that practice," EPA Administrator Scott Pruitt said in a briefing for reporters. “It’s a very important day to make sure that as we engage in our rulemaking process we respect the process that Congress has established."

The EPA will also post legal petitions publicly for comment before any potential settlement with a third party and end the practice of paying attorneys fees for outside groups that sue the agency, Pruitt said.

The directive ending the practice — known among conservatives as "sue and settle" — formalizes a stance Pruitt has taken since the early days of his tenure. Pruitt criticized the practice in a speech addressing agency employees shortly after taking office. And he has since issued a verbal directive along those lines earlier this year, according to an E&E News report.

Conservative groups have long criticized "sue and settle" as running afoul of the rule of law, in particular the Administrative Procedure Act, which governs how agencies issue regulations.The move is the latest in a slew of efforts from Pruitt in his nine months on the job to shift the direction of the agency. Last week, Pruitt formally initiated a process to revoke the Clean Power Plan, Obama's central measure aimed at fighting climate change. Asked Monday whether the agency would issue a replacement, Pruitt said "that is in process" and suggested that the agency would provide more clarity soon when it formally begins the process of soliciting public comment on the issue.

The Washington Examiner

http://www.washingtonexaminer.com/federal-judge-in-bob-menendez-bribery-case-strikes-down-request-for-acquittal/article/2637645

Federal judge in Bob Menendez bribery case strikes down request for acquittal.

By Katie Leach, 10/16/17

A federal judge overseeing the bribery case against Sen. Bob Menendez, D-N.J., says he won't dismiss any of the charges against the senator, leaving it up to the jury to decide his fate.

On Monday, Judge William Walls ruled against the defense's argument to drop the charges against the New Jersey lawmaker, claiming that they did not meet the definition of bribery under the 2016 Supreme Court decision against former Virginia Gov. Bob McDonnell.

The Democratic senator is facing 18 criminal counts alongside his friend and wealthy Floridian, Dr. Salomon Melgen.

"We are living in a real world of reality and common sense," Walls explained in a lengthy opinion he read on Monday. "The jury will decide whose version of what happened or didn't happen is more likely than not."

The Hill

http://thehill.com/blogs/floor-action/house/355687-ryan-projects-house-will-pass-tax-bill-by-early-november

Ryan projects House will pass tax bill by early November

By Cristina Marcos, 10/16/17

Speaker Paul Ryan (R-Wis.) offered an ambitious timeline on Monday for when Congress will enact tax reform this year, starting with House passage of a bill in the next month.

Ryan predicted in an interview with Milwaukee radio station WTMJ that tax overhaul legislation would pass in the House by "early November" and make it through the Senate to President Trump's desk by the end of December.

Formal legislation to reform the tax code has not yet been released.

The House adopted a budget resolution earlier this month to unlock budgetary rules known as reconciliation so that Republicans can pass tax reform and circumvent a Democratic filibuster in the Senate.

Ryan expressed optimism that Republicans would have more success with tax reform than with their failed efforts to repeal and replace the 2010 health care law.

Ryan outlined three reasons why the GOP has a better shot at passing tax reform than they did with ObamaCare repeal.

He maintained that Republicans tend to agree more generally on tax principles; the White House and top House and Senate leaders released a tax reform blueprint; and the reconciliation process will allow Republicans to accomplish all of their goals on a tax overhaul in one bill, in contrast to the health care effort.

Multiple GOP health care proposals such as selling insurance plans across state lines and medical liability reform could not be included in the reconciliation measure due to Senate budget rules. That frustrated GOP lawmakers who could only consider those proposals in legislation that would be subject to Senate filibusters.

“So the procedure and the process is much more direct and streamlined. Republicans are more in agreement on how to do it. And we pre-agreed with the House, the Senate and the White House at the front end of this on how to do it. And that’s where we stand and that’s why we’re on track,” Ryan said.

The Speaker acknowledged that Republicans, by contrast, don’t hold widespread views on health care policy, despite unified opposition to ObamaCare for seven years.

“Frankly, Republicans with each other didn’t necessarily agree on how to do health care,” Ryan said.

The Senate is expected to consider its version of the budget this week. The two chambers’ budgets will have to be reconciled before the GOP can use reconciliation on tax reform.

Once Republicans in both chambers of Congress agree on a budget, the tax-writing House Ways and Means Committee is expected to release legislative text that adheres to its revenue outlines.

Tax legislation would then go through the Ways and Means Committee before reaching the House floor for a vote.

Ryan’s projection of House passage by early November puts lawmakers on a tight schedule.

The House is not in session this week and GOP leaders allowed members to depart Washington a day early last week following passage of a $36.5 billion aid package for Puerto Rico and other areas afflicted by recent natural disasters. Lawmakers won't be back at the Capitol until next Monday.

Ryan previously offered ambitious timelines for when Republicans would pass legislation to repeal and replace the health care law that never came to fruition.

At the start of this year, Ryan expressed a goal of wanting to pass a health care bill by Trump's 100th day in office at the end of April.

When that didn't happen, Republicans later aimed for clearing legislation by the August recess. The House did pass a repeal-and-replace bill in May, but the Senate was unable to approve its own version.

In the end, the reconciliation vehicle Republicans intended to use for a health care overhaul expired at the end of the 2017 fiscal year in September.

Fox News

http://www.foxnews.com/politics/2017/10/16/trump-mcconnell-pledge-unity-on-tax-reform-health-care-after-feud.html

Trump, McConnell pledge unity on tax reform, health care after feud

By Staff, 10/16/17

President Trump exited a White House meeting Monday with Sen. Mitch McConnell saying his relationship with the Senate majority leader is "better than ever" and they are working together on major legislative priorities including tax and health care reform.

"We've been friends for a long time," Trump said at a Rose Garden press conference following his meeting with McConnell, with whom he had a public falling out this summer. "We're fighting for big tax cuts. ... My relationship with this gentleman has been outstanding."

Trump also said they are working on a measure to repeal and replace ObamaCare by early next year.

“We have the same agenda. … We talk all of the time,” said McConnell, who said their meeting also included discussions about judicial appointments and additional hurricane relief funding. "We are together totally on this agenda to move America forward."

McConnell’s office earlier this week portrayed the White House meeting as a pro forma discussion about Republicans’ legislative agenda through the fall, which would include big-ticket items like tax reform, immigration and perhaps revisiting health care reform.

However, the meeting was also the first real face-to-face the leaders have had since their public rift over the summer, after the Republican-controlled Senate failed give Trump his first major legislative victory by repealing and replacing ObamaCare.

Trump in August said he was “very disappointed in Mitch,” after McConnell, R-Ky., said the president had “excessive expectations” about the legislative process.

A McConnell spokesman told Fox News on Sunday that the senator’s meeting with Trump also would include discussions on completing a budget resolution, confirming qualified judicial and other nominees and considering hurricane relief funding.

Trump and McConnell spent a considerable amount of time during their roughly 30-minute press conference talking about such judicial nominations.

McConnell called Trump getting Justice Neil Gorsuch on the high court "the single most important thing the president has done."

Trump argued Senate Democratic leader Chuck Schumer "and his group" are holding up "every single nomination," which he called "beyond comprehension."

Trump also hinted at presenting an economic development plan in the near future, in a wide-ranging press conference in which he also said NFL players should be suspended for sitting during the national anthem. And he taunted 2016 presidential rival Hillary Clinton on the possibility of a rematch, saying "please run again."

The meeting came as conservative groups and former Trump chief political strategist Steve Bannon are pressuring McConnell and other congressional Republicans to relinquish their leadership posts.

"This is our war," Bannon said Saturday at a gathering of religious conservatives," "The establishment started it. ... You all are going to finish it."

Ken Cuccinelli, a former Virginia attorney general who now leads the Senate Conservatives Fund, said Wednesday on Capitol Hill, said: "We call on all five members of the GOP Senate leadership to step down, or for their caucus to remove them as soon as possible."

Meanwhile, Senate Republicans appear to be rallying around McConnell.

"Mitch McConnell's not our problem," Sen. Lindsey Graham, R-S.C., said Sunday. "Our problem is that we promised to repeal and replace ObamaCare, and we failed. We promised to cut taxes and we have yet to do it."

GOP Sen. Susan Collins, a moderate from Maine who was a critical "no" vote on health care, said Americans are tired of Bannon-like rhetoric.

"They don't want this hyper-partisanship," she said. Mitch McConnell is the Senate majority leader. "The president needs him. I'm glad they're working together on tax reform and a lot of other issues. And I'm glad they're meeting this week."

In August, Trump tweeted: “Can you believe that Mitch McConnell, who has screamed Repeal & Replace for 7 years, couldn’t get it done. Must Repeal & Replace ObamaCare!”

McConnell responded to Trump’s Twitter barrage by saying the challenges of governing shouldn’t be a surprise.

"A lot of people look at all that and find it frustrating, messy. Well, welcome to the democratic process,” McConnell said at a GOP event in Kentucky this summer. “That's the way it is in our country."

Twitter

Donald J. Trump @realDonaldTrump · 7h

Art Laffer just said that he doesn't know how a Democrat could vote against the big tax cut/reform bill and live with themselves! @FoxNews

9.2K 8.8K 37K

Donald J. Trump @realDonaldTrump · 7h

Replying to @realDonaldTrump

The Democrats only want to increase taxes and obstruct. That's all they are good at!

12K 8.5K 36K

Donald J. Trump @realDonaldTrump · 7h

Dem Senator Schumer hated the Iran deal made by President Obama, but now that I am involved, he is OK with it. Tell that to Israel, Chuck!

7.2K 13K 46K

Donald J. Trump @realDonaldTrump · 7h

Since Election Day on November 8, the Stock Market is up more than 25%, unemployment is at a 17 year low & companies are coming back to U.S.

9.6K 12K 54K

Donald J. Trump @realDonaldTrump · 7h

The U.S. has gained more than 5.2 trillion dollars in Stock Market Value since Election Day! Also, record business enthusiasm.

12K 12K 56K

Donald J. Trump @realDonaldTrump · 6h

I was recently asked if Crooked Hillary Clinton is going to run in 2020? My answer was, "I hope so!"

33K 22K 90K

To: Friedman, Lisa[lisa.friedman@nytimes.com]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Press[Press@epa.gov]
From: Wilcox, Jahan
Sent: Fri 12/15/2017 9:32:18 PM
Subject: Re: apologies for all the back and forth

Definers was awarded the contract to do our press clips at a rate that is $87,000 cheaper than our previous vendor and they are providing no other services.

This year, EPA has received over 10,000 public information requests from journalists and individuals across the political spectrum and we're responding to them in a manner that is fair and efficient.

If you have questions regarding how Definers operates, we encourage you to contact them.

> On Dec 15, 2017, at 3:09 PM, Friedman, Lisa <lisa.friedman@nytimes.com> wrote:
>
> But a few more things were just brought to my attention that require a few more questions.
>
> America Rising, which as you know shares top leadership with Definers Corp., has filed more than 200 FOIAs with EPA since 2015. Most recently they have requested information, including emails and other data, about a number of EPA employees - including many who have spoken out publicly against the agency like Betsy Southerland, Michael Cox and John O'Grady.
>
> Can you please offer me a comment on whether EPA believes it is appropriate to hire a firm that shares ownership with an organization that has investigated its employees?
>
> Thank you
> Lisa
>
> --
> Lisa Friedman
> Reporter, New York Times
> (202) 862-0306 office
> (202) 251-2083 cell
>

To: Wilcox, Jahan[wilcox.jahan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Press[Press@epa.gov]
From: Friedman, Lisa
Sent: Fri 12/15/2017 8:07:37 PM
Subject: apologies for all the back and forth

But a few more things were just brought to my attention that require a few more questions. America Rising, which as you know shares top leadership with Definers Corp., has filed more than 200 FOIAs with EPA since 2015. Most recently they have requested information, including emails and other data, about a number of EPA employees - including many who have spoken out publicly against the agency like Betsy Southerland, Michael Cox and John O'Grady.

Can you please offer me a comment on whether EPA believes it is appropriate to hire a firm that shares ownership with an organization that has investigated its employees?

Thank you
Lisa

--
Lisa Friedman
Reporter, New York Times
(202) 862-0306 office
(202) 251-2083 cell

To: Press[Press@epa.gov]
From: Davidson, Joe
Sent: Mon 7/31/2017 4:55:28 PM
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, **director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.**

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist
The Washington Post
1301 K Street, NW
Washington, DC 20071
202.334.6415 – work
202.580.9552 – cell
joe.davidson@washpost.com
Twitter: @JoeDavidsonWP
Website: wapo.st/JoeDavidson

To: Wilcox, Jahan[wilcox.jahan@epa.gov]; Press[Press@epa.gov]
From: Devin Henry
Sent: Fri 8/4/2017 4:19:39 PM
Subject: Schnare, Southerland letters, etc.

Hey Jahan, happy Friday, and recess.
I'm doing a story for the weekend on the amount of public dissent we've seen from career folks within the Trump administration, not just the EPA. But I am mentioning the Schnare and Southerland messages that have come out in the last couple weeks, so I wanted to get a reaction from you.

Beyond individual reactions to these two messages, is there concern within the EPA about such missives from transition officials or retiring employees? Is it contributing to morale issues, or worry among political appointee staff that it could hurt some of the work you're trying to get done?

Let me know if you have anything you want to add. Like I said, this is not based around EPA alone, but since you're in there I wanted to ask.

Thanks.

-Devin

--
Devin Henry
Staff Writer, The Hill
P: (202) 349-8127
C: (952) 913-7254
Twitter: @dhenry

To: Press[Press@epa.gov]
From: Sharon Lerner
Sent: Wed 8/2/2017 4:10:56 PM
Subject: request for comment by 3 pm today
signature.asc

Hi EPA media team-
I'm writing a story based on a conversation I had with Betsy Southerland, who recently resigned from your agency. She explained to me that EPA staff are now spending their time considering requests for changes, delays and rollbacks of rules and regulations at the request of specific industry groups. She said that a working group led by Samantha Dravis and Ryan Jackson has picked industry comments out of the public responses to EO 13777

"They pulled out the ones from the industry — the coal, electric power, oil and natural gas areas, just them — and sent them around and asked us to respond within one day about whether we agreed with the request for a repeal," said Southerland.

Southerland also said that "The taxpayers are paying for us to now spend enormous amounts of federal employee hours undoing everything they had spent those same federal employee hours building" and "Look at the enormous treasure that these people are having everyone expend for their ideology."

Do you care to comment on any of this? We're running the story today at 3.

Thank you,
Sharon

Sharon Lerner
Reporter
The Intercept
mobile/signal 718-877-5236
@fastlerner
read recent stories here: https://theintercept.com/staff/sharon-lerner/
PGP:
CB29 D9FF 9285 3205 087E 83A1 0C30 2F39 4F30 8BFE

To: Press[Press@epa.gov]
From: Wilcox, Jahan
Sent: Thur 9/21/2017 1:37:15 PM
Subject: RE: LA Times questions -- civil service

Will handle.

From: Halper, Evan [mailto:Evan.Halper@latimes.com]
Sent: Thursday, September 21, 2017 9:35 AM
To: Press <Press@epa.gov>
Subject: LA Times questions -- civil service

Good morning:

I am reaching out for comment from the agency for a story about the civil service under the Trump administration. Does the EPA have a response to the concerns raised by recently departed employees such as Betsy Southerland and Michael Cox – and echoed by advocacy groups and lawmakers -- that it is sidelining its own scientific research and scientists in pursuit of the Trump political agenda? Has its approach to taking input from career staff changed with this administration?

You can reach me at 916.201.6398 if you would prefer to discuss in an interview. My deadline is 3:30 p.m. today. Thanks very much for your attention to this.

Best,

Evan Halper

National Reporter

Los Angeles Times

To: Press[Press@epa.gov]
From: Halper, Evan
Sent: Thur 9/21/2017 1:35:22 PM
Subject: LA Times questions -- civil service

Good morning:

I am reaching out for comment from the agency for a story about the civil service under the Trump administration. Does the EPA have a response to the concerns raised by recently departed employees such as Betsy Southerland and Michael Cox – and echoed by advocacy groups and lawmakers -- that it is sidelining its own scientific research and scientists in pursuit of the Trump political agenda? Has its approach to taking input from career staff changed with this administration?

You can reach me at 916.201.6398 if you would prefer to discuss in an interview. My deadline is 3:30 p.m. today. Thanks very much for your attention to this.

Best,

Evan Halper

National Reporter

Los Angeles Times

To: apalleschi@iwpnews.com[apalleschi@iwpnews.com]
Cc: Press[Press@epa.gov]
From: Wilcox, Jahan
Sent: Tue 8/1/2017 6:30:37 PM
Subject: RE: Betsy Southerland -- deadline 3:30 p.m.

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

-----Original Message-----
From: Jones, Enesta
Sent: Tuesday, August 1, 2017 2:28 PM
To: Press <Press@epa.gov>
Subject: FW: Betsy Southerland -- deadline 3:30 p.m.

Enesta Jones
U.S. EPA
Office of Media Relations
Office: 202.564.7873
Cell: 202.236.2426

"The root of all joy is gratefulness."

-----Original Message-----
From: apalleschi [mailto:apalleschi@iwpnews.com]
Sent: Tuesday, August 01, 2017 2:25 PM
To: Jones, Enesta <Jones.Enesta@epa.gov>
Subject: Betsy Southerland -- deadline 3:30 p.m.

Hi Enesta,

I'm wondering if EPA was going to or has a statement today on the resignation of Betsy Southerland. If you could let me know by 3:30 p.m.
EST -- as we're hoping to have our story up ASAP-- that would be wonderful.

Many thanks,

Amanda

--
Amanda Palleschi
Associate Editor
Water Policy Report
Inside EPA
w: (703) 416-8564
c: (952) 250-9182

To: Press[Press@epa.gov]
From: Jones, Enesta
Sent: Tue 8/1/2017 6:28:06 PM
Subject: FW: Betsy Southerland -- deadline 3:30 p.m.

Enesta Jones
U.S. EPA
Office of Media Relations
Office: 202.564.7873
Cell: 202.236.2426

"The root of all joy is gratefulness."

-----Original Message-----
From: apalleschi [mailto:apalleschi@iwpnews.com]
Sent: Tuesday, August 01, 2017 2:25 PM
To: Jones, Enesta <Jones.Enesta@epa.gov>
Subject: Betsy Southerland -- deadline 3:30 p.m.

Hi Enesta,

I'm wondering if EPA was going to or has a statement today on the resignation of Betsy Southerland. If you could let me know by 3:30 p.m.
EST -- as we're hoping to have our story up ASAP-- that would be wonderful.

Many thanks,

Amanda

--
Amanda Palleschi
Associate Editor
Water Policy Report
Inside EPA
w: (703) 416-8564
c: (952) 250-9182

Cc: Press[Press@epa.gov]
From: Wilcox, Jahan
Sent: Tue 8/1/2017 3:24:59 PM
Subject: Re: Comment on Betsy Southerland leaving--E&E News

Statement sent.

Sent from my iPhone

On Aug 1, 2017, at 11:16 AM, Ariel Wittenberg <awittenberg@eenews.net> wrote:

Hi All,

Wanted to ask if EPA has a comment on Betsy Southerland's leaving EPA. I'm writing up a story about it and quoting from her exit memo, which was shared by PEER (https://www.peer.org/assets/docs/epa/8_1_17_Betsy_farewell_message.pdf). My deadline Is noon.

Thanks,

Ariel

Ariel Wittenberg

E&E News reporter

awittenberg@eenews.net

202-737-4557

@arielwittenberg

E&E NEWS

122 C Street NW 7th Floor Washington, DC 20001

www.eenews.net | @EENewsUpdates

Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM, E&ETV

To: Press[Press@epa.gov]
From: Ariel Wittenberg
Sent: Tue 8/1/2017 3:14:59 PM
Subject: Comment on Betsy Southerland leaving--E&E News

Hi All,

Wanted to ask if EPA has a comment on Betsy Southerland's leaving EPA. I'm writing up a story about it and quoting from her exit memo, which was shared by PEER (https://www.peer.org/assets/docs/epa/8_1_17_Betsy_farewell_message.pdf). My deadline Is noon.

Thanks,

Ariel

Ariel Wittenberg

E&E News reporter

awittenberg@eenews.net

202-737-4557

@arielwittenberg

E&E NEWS

122 C Street NW 7th Floor Washington, DC 20001

www.eenews.net | @EENewsUpdates

Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM, E&ETV

To: Annie Snider[asnider@politico.com]
Cc: Press[Press@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Konkus, John[konkus.john@epa.gov]
From: Wilcox, Jahan
Sent: Tue 8/1/2017 3:15:58 PM
Subject: Re: Comment on Southerland departing email?

Yes Annie I will get you our statement.

Sent from my iPhone

On Aug 1, 2017, at 11:14 AM, Annie Snider <asnider@politico.com> wrote:

Hi all, We're doing a quick WB on the departing email from Betsy Southerland that PEER circulated. Do you have comment?

Annie Snider

Reporter

POLITICO

asnider@politico.com

703-672-2819 - desk

646-250-1943 - cell

@AnnElizabeth18

To: Press[Press@epa.gov]
From: Charles Clark
Sent: Tue 8/1/2017 2:30:08 PM
Subject: Government Executive this morning seeks comment on number of departures from EPA

I just learned of the resignation of Elizabeth "Betsy" Southerland, Director of the Office of Science and Technology in the Office of Water. Do you have any figures on how many have resigned in the past six months? Any comment on her criticisms of Administrator Pruitt? Best--charlie

--

Charles S. Clark cclark@govexec.com

Senior Correspondent

Government Executive Media Group,

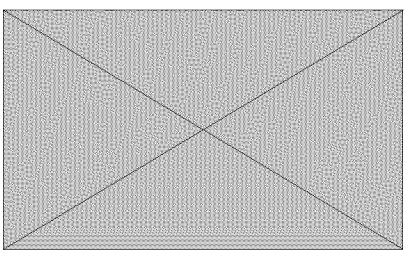
A division of Atlantic Media
600 New Hampshire Ave. NW

Washington, D.C. 20037

202-266-7713 www.govexec.com

e-mail: cclark@govexec twitter @cclarkjedd

.



To: Bowman, Liz[Bowman.Liz@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Abboud, Michael
Sent: Mon 7/31/2017 5:08:56 PM
Subject: Fwd: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Do we want to provide a statement?

Sent from my iPhone

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Davidson, Joe" <joe.davidson@washpost.com>
Date: July 31, 2017 at 12:55:28 PM EDT
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, **director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.**

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded

environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist
The Washington Post
1301 K Street, NW
Washington, DC 20071
202.334.6415 – work
202.580.9552 – cell
joe.davidson@washpost.com
Twitter: @JoeDavidsonWP
Website: wapo.st/JoeDavidson

To: Cleland-Hamnett, Wendy[Cleland-Hamnett.Wendy@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]; Wise, Louise[Wise.Louise@epa.gov]; Jakob, Avivah[Jakob.Avivah@epa.gov]; Dinkins, Darlene[Dinkins.Darlene@epa.gov]; Strauss, Linda[Strauss.Linda@epa.gov]
From: Kaiser, Sven-Erik
Sent: Tue 8/1/2017 9:18:07 PM
Subject: Greenwire- Betsy Southerland

As discussed in opp gen

FYI – see link to exit memo

Senior official quits, decrying 'triumph of myth over truth'

Ariel Wittenberg, E&E News reporter

A senior U.S. EPA official is resigning her post today, saying in a scathing exit memo that the Trump administration has led to "the temporary triumph of myth over truth."

Elizabeth "Betsy" Southerland worked at EPA for 30 years, most recently directing the Office of Water's Office of Science and Technology.

In the exit memo, released by Public Employees for Environmental Responsibility, Southerland said EPA had often been "the guiding light to make the 'right thing' happen for the greater good" throughout her career.

Elizabeth Southerland. EPA

Southerland, who received a Presidential Rank Award of Distinguished Executive in 2015, said it all changed when Administrator Scott Pruitt took the helm.

Southerland describes Pruitt as perverting the notion of "cooperative federalism" — a favorite buzzword of the administrator, who has said he wants to roll back some federal regulations in order to allow more involvement from the states.

Southerland said EPA has "always followed a cooperative federalism approach," setting environmental standards for local regulators to implement.

That model of cooperative federalism depends on EPA providing funding to states and tribes to help implement regulations. The White House has proposed cutting such funding.

Those cuts, combined with planned rollbacks of more than 30 regulations, are "not a cooperative federalism approach," wrote Southerland.

"It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations," she said.

Advertisement

EPA spokesman Jahan Wilcox wrote in an email, "It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension."

Southerland slammed Pruitt's EPA for launching a "repeal, replace, modify initiative" for regulations. She expressed particular concern over attempts to postpone deadlines for a 2015 rule curbing toxic metals in power plants' wastewater discharges (*see related story*).

"Any environmental protection rule promulgated at any time in the past may be repealed by this administration, as well as any science or technical document ever published by EPA," wrote Southerland.

She also described President Trump's executive order requiring that agencies repeal two regulations for every new one as "a real Sophie's choice for public health agencies like EPA."

She said, "Should EPA repeal two existing rules protecting infants from neurotoxins in order to promulgate a new rule protecting adults from a newly discovered liver toxin?

"Faced with such painful choices, the best possible outcome for the American people would be regulatory paralysis where no new rules are released so that existing protections remain in place."

Southerland ends her memo on a somewhat hopeful note, saying EPA has often had to combat myths that its regulations of everything from nonpoint sources of pollution to Superfund laws are impediments to business, but the agency always eventually comes out on top.

"The truth is there is NO war on coal, there is NO economic crisis caused by environmental protection, and climate change IS caused by man's activities," she writes.

"It may take a few years and even an environmental disaster," she said, "but I am confident that Congress and the courts will eventually restore all the environmental protections repealed by this administration because the majority of the American people recognize that this protection of public health and safety is right and it is just."

Wilcox said, "We wish Elizabeth Southerland the best in her retirement, and the EPA will continue to re-focus on our core mission of protecting our air, land and water."

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
From: Bowman, Liz
Sent: Tue 8/8/2017 2:06:16 PM
Subject: ICYMI: WSJ Editorializes on Entrenched & Liberal Bureaucracy Misrepresenting Trump Admin Policies

Just want to make sure you all saw that the WSJ editorialized on the "entrenched and liberal bureaucracy" misrepresenting Trump Administration policies … thanks – Liz

EPA Resignation Facts

By The Wall Street Journal Editorial Board, 8/7/17

The media and federal unions are making a cause celebre out of federal scientists who have resigned and then denounced Trump Administration policies on the way out. We're all for shrinking the government workforce, but the political melodrama could use a few leavening facts.

The latest splash is from Elizabeth Southerland, until recently the director of science and technology in the Environmental Protection Agency's Office of Water. Ms. Southerland ended a 30-year EPA career last week with an internal memo decrying Donald Trump's "draconian" budget cuts, and his "industry deregulation." She said her "civic duty" required that she warn that "our children and grandchildren" face "increased public health and safety risks and a degraded environment."

This follows the much-publicized April departure of Michael Cox, who quit the EPA in Washington state after 25 years, complaining in a letter to Administrator Scott Pruitt about "indefensible budget cuts" and efforts to "dismantle EPA and its staff as quickly as possible."

Both EPA employees are of retirement age, and they are right to bow out if they can't in good faith work for Mr. Pruitt. Their letters nonetheless reveal an entrenched and liberal federal bureaucracy. Though career civil servants who are supposed to serve political appointees of any party, they have clearly become progressive ideological partisans.

Their exits also explain why so much of the EPA workforce is misrepresenting or missing the point of Mr. Pruitt's policy changes. Ms. Southerland raps the Administrator's call to rebalance power between the feds and states, as she claims the EPA "has always followed a cooperative federalism approach."

Really? During the combined presidencies of George H.W. Bush, Bill Clinton and George W. Bush, the EPA imposed five federal air-quality implementation plans on states. Barack Obama's EPA imposed 56.

The Obama EPA also stripped states of their statutory development authority, whether with its pre-emptive veto of Alaska's Pebble Mine, or its Waters of the United States rule that gave the feds de facto sway over tens of millions of acres of private land. EPA employees embraced these new powers, but they violate the Constitution and hurt the environment.

Ms. Southerland seems to have forgotten that the largest clean-water disaster in recent years resulted from the EPA's 2015 decision to punch a hole in the Gold King Mine in Colorado, turning the Animas River yellow with waste water and heavy metals. The agency shares blame for the Flint, Michigan, lead crisis, having failed to alert the public.

The Fish and Wildlife Service has a dismal record recovering endangered species, while the Forest Service's logging restrictions have left millions of acres of dead, bug-infested trees as tinder for catastrophic wildfires.

Mr. Trump has proposed a 30% cut in EPA funding, but Congress won't cut anything close. Mr. Pruitt's decision to refocus on core jobs like Superfund cleanups means a shift in EPA spending in any event. The goal should be an EPA that is more efficient and effective—rather than one measured by employee numbers.

Ms. Southerland's exit may also free up some dollars. Federal records show she earned $249,000 last year in combined salary and bonus—$1,000 less than a Supreme Court Justice and about $200,000 more than the average taxpayer. She'll receive an annual lifetime pension worth about 75% of the average of the last three years of her career. With that sinecure, she should forgive

taxpayers for thinking a little fiscal discipline at EPA might be in order.

Liz Bowman

U.S. Environmental Protection Agency (EPA)

Office: 202-564-3293

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]; Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Bolen, Brittany (bolen.brittany@epa.gov)[bolen.brittany@epa.gov]
From: Bowman, Liz
Sent: Tue 8/8/2017 2:06:16 PM
Subject: ICYMI: WSJ Editorializes on Entrenched & Liberal Bureaucracy Misrepresenting Trump Admin Policies

Just want to make sure you all saw that the WSJ editorialized on the "entrenched and liberal bureaucracy" misrepresenting Trump Administration policies … thanks – Liz

EPA Resignation Facts

By The Wall Street Journal Editorial Board, 8/7/17

The media and federal unions are making a cause celebre out of federal scientists who have resigned and then denounced Trump Administration policies on the way out. We're all for shrinking the government workforce, but the political melodrama could use a few leavening facts.

The latest splash is from Elizabeth Southerland, until recently the director of science and technology in the Environmental Protection Agency's Office of Water. Ms. Southerland ended a 30-year EPA career last week with an internal memo decrying Donald Trump's "draconian" budget cuts, and his "industry deregulation." She said her "civic duty" required that she warn that "our children and grandchildren" face "increased public health and safety risks and a degraded environment."

This follows the much-publicized April departure of Michael Cox, who quit the EPA in Washington state after 25 years, complaining in a letter to Administrator Scott Pruitt about "indefensible budget cuts" and efforts to "dismantle EPA and its staff as quickly as possible."

Both EPA employees are of retirement age, and they are right to bow out if they can't in good faith work for Mr. Pruitt. Their letters nonetheless reveal an entrenched and liberal federal bureaucracy. Though career civil servants who are supposed to serve political appointees of any party, they have clearly become progressive ideological partisans.

Their exits also explain why so much of the EPA workforce is misrepresenting or missing the point of Mr. Pruitt's policy changes. Ms. Southerland raps the Administrator's call to rebalance power between the feds and states, as she claims the EPA "has always followed a cooperative federalism approach."

Really? During the combined presidencies of George H.W. Bush, Bill Clinton and George W. Bush, the EPA imposed five federal air-quality implementation plans on states. Barack Obama's EPA imposed 56.

The Obama EPA also stripped states of their statutory development authority, whether with its pre-emptive veto of Alaska's Pebble Mine, or its Waters of the United States rule that gave the feds de facto sway over tens of millions of acres of private land. EPA employees embraced these new powers, but they violate the Constitution and hurt the environment.

Ms. Southerland seems to have forgotten that the largest clean-water disaster in recent years resulted from the EPA's 2015 decision to punch a hole in the Gold King Mine in Colorado, turning the Animas River yellow with waste water and heavy metals. The agency shares blame for the Flint, Michigan, lead crisis, having failed to alert the public.

The Fish and Wildlife Service has a dismal record recovering endangered species, while the Forest Service's logging restrictions have left millions of acres of dead, bug-infested trees as tinder for catastrophic wildfires.

Mr. Trump has proposed a 30% cut in EPA funding, but Congress won't cut anything close. Mr. Pruitt's decision to refocus on core jobs like Superfund cleanups means a shift in EPA spending in any event. The goal should be an EPA that is more efficient and effective—rather than one measured by employee numbers.

Ms. Southerland's exit may also free up some dollars. Federal records show she earned $249,000 last year in combined salary and bonus—$1,000 less than a Supreme Court Justice and about $200,000 more than the average taxpayer. She'll receive an annual lifetime pension worth about 75% of the average of the last three years of her career. With that sinecure, she should forgive

taxpayers for thinking a little fiscal discipline at EPA might be in order.

Liz Bowman

U.S. Environmental Protection Agency (EPA)

Office: 202-564-3293

To: Jackson, Ryan[jackson.ryan@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Yamada, Richard (Yujiro)[yamada.richard@epa.gov]; Samantha Dravis (dravis.samantha@epa.gov)[dravis.samantha@epa.gov]
From: Bowman, Liz
Sent: Mon 7/31/2017 7:31:52 PM
Subject: Media Coverage re: EPA Employee Farewell Email

All – We want to flag for you another resignation letter taking swings on their way out. The following is the quote that Jahan used to respond to this, and we are pulling together other additional information to use to push back. With the buyouts, I think these types of stories are going to continue, and we might need to develop a generic response to responding to people take shots on their way out the door. Bringing this to your attention b/c it's getting coverage in the Washington Post, and because it's someone from Science/Technology office in the Office of Water. Please let us know if you have additional thoughts. Thanks -- Liz

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

From: Davidson, Joe [mailto:joe.davidson@washpost.com]
Sent: Monday, July 31, 2017 12:55 PM
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those

governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

To: Forsgren, Lee[Forsgren.Lee@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]
From: Bromberg, Kevin L.
Sent: Wed 10/11/2017 8:26:14 PM
Subject: PBS Frontline Article on Steam Electric Rule Posted - PBS Show on tonight at 10 PM

Betsy Southerland, the former EPA office director, is incorrect in stating that there was "no flaw" in the process and no "technical errors". This rulemaking was so bad that EPA withheld critical data from us during the OMB review, so that we couldn't verify the errors in the pollution reductions until after the rule was signed! The most cost-ineffective rule of all Effluent Limitation Guidelines in the history of EPA ELGs.

http://www.pbs.org/wgbh/frontline/article/to-sway-scott-pruitt-epa-experts-must-hope-against-hope-says-former-insider/

The Toxic Waste Rule

Earlier this spring, the Utility Water Act Group, which is a coalition of energy companies, and the U.S. Small Business Administration each submitted petitions requesting the reconsideration of the toxic waste rule that Southerland had spearheaded. The groups argued that the rule was inconsistent with President Trump's regulatory reform agenda.

Less than a month later, the EPA announced that it would reconsider the rule, referring to criticism that it was "not economically or technically feasible."

"It is just a poster child of how years and years of work on rules are gone," said Southerland, who had asked her supervisor for a meeting with Pruitt when the petitions first came in. She said she never heard back. "In just that day, there's a decision that is not discussed with staff at all."

Southerland would eventually secure a meeting with Pruitt in July, but ahead of that, she and her team briefed the agency's new political appointees on the rule. They explained that less than 15 percent of coal-

fired power plants would incur costs and that many companies had either already complied with the limits set by the regulation or were moving quickly to transform their handling of toxic liquid waste. But, she said they received little feedback.

Kyla Bennett, a former EPA employee and the New England director at Public Employees for Environmental Responsibility, an organization representing government employees in environmental fields, said that in previous administrations, political appointees drafting regulation would tap career staff for their expertise.

Now, she said, there's much less communication.

"They are being entirely cut out of decision-making and to the point that when permits are overturned or rules are being stayed or repealed, they are not asked for any input whatsoever," said Bennett. "People are cut out of the work they have been doing for 10 years."

Southerland compared current efforts to reconsider the guideline regulating power plant waste with a long and "ambitious rule-making project" under the Obama administration. She said the EPA had decided to regulate toxic-waste disposal knowing that companies were moving to retire coal-fired power plants, which meant the regulation's economic costs would be smaller.

Southerland said the regulation aimed at preventing environmental accidents like the 2014 coal ash leak at a Duke Energy power plant that coated 70 miles of a riverbank in North Carolina.

In the petition that Southerland reviewed, the U.S. Small Business Administration's office of advocacy said that the rule's requirements would likely result in the closure of a significant number of coal-fired utilities.

"While these rule requirements may not adversely affect some utility plants, primarily larger utility plants, that have either planned to retire or already comply with the rule requirements, this provides no relief for mostly smaller units, serving many rural communities, for which the rule poses a severe hardship," Kevin Bromberg, the assistant chief counsel for environmental policy at SBA's office of advocacy, said in a statement to FRONTLINE.

In order to propose new regulations, federal agencies must submit them through a public comment period. Close to 470,000 public comments have been submitted in response to an executive order by President Donald Trump in February that directed federal agencies, including the EPA, to suggest regulations to be replaced, repealed or modified.

Southerland said she was handed a list of requests from leaders in the electric power industry to review and that she felt petitions from those groups were given priority. Her office was given a few days to respond to the industry's requests for repeals of regulations or scientific documents.

"In every case, I can tell you, we responded, 'No, the rules should not be repealed because there is no flaw in the process by which that rule was promulgated, and there's no technical error in that rule that would mean it should be repealed,'" she said.

As the petitions were under review, she said EPA staff weren't given access to Pruitt's calendar, so it was difficult to know when they could brief him. Instruction from political appointees was also verbal, not written, she said, resulting in "very one-way communication."

"It just doesn't look like the staff is being given a fair shake at having some more moderate, appeals done," she said. "It seems like that the die is cast before we even start these elaborate, extensive briefings to try to show people that the work that's been done is very justifiable."

Ultimately, the rule that Southerland had worked on was suspended in September.

FRONTLINE producer Anya Bourg contributed to this story.

To: Fotouhi, David[Fotouhi.David@epa.gov]
From: Brown, Byron
Sent: Wed 10/11/2017 9:30:30 PM
Subject: Fwd: PBS Frontline Article on Steam Electric Rule Posted - PBS Show on tonight at 10 PM

FYI

Sent from my iPhone

Begin forwarded message:

From: "Bromberg, Kevin L." <kevin.bromberg@sba.gov>
Date: October 11, 2017 at 4:26:14 PM EDT
To: "Forsgren, Lee (Forsgren.Lee@epa.gov)" <Forsgren.Lee@epa.gov>, "Brown, Byron (brown.byron@epa.gov)" <brown.byron@epa.gov>, "Greenwalt, Sarah (greenwalt.sarah@epa.gov)" <greenwalt.sarah@epa.gov>
Subject: PBS Frontline Article on Steam Electric Rule Posted - PBS Show on tonight at 10 PM

Betsy Southerland, the former EPA office director, is incorrect in stating that there was "no flaw" in the process and no "technical errors". This rulemaking was so bad that EPA withheld critical data from us during the OMB review, so that we couldn't verify the errors in the pollution reductions until after the rule was signed! The most cost-ineffective rule of all Eflluent Limitation Guidelines in the history of EPA ELGs.

http://www.pbs.org/wgbh/frontline/article/to-sway-scott-pruitt-epa-experts-must-hope-against-hope-says-former-insider/

The Toxic Waste Rule

Earlier this spring, the Utility Water Act Group, which is a coalition of energy companies, and the U.S. Small Business Administration each submitted petitions requesting the reconsideration of the toxic waste rule that Southerland had spearheaded. The groups argued that the

rule was inconsistent with President Trump's regulatory reform agenda.

Less than a month later, the EPA announced that it would reconsider the rule, referring to criticism that it was "not economically or technically feasible."

"It is just a poster child of how years and years of work on rules are gone," said Southerland, who had asked her supervisor for a meeting with Pruitt when the petitions first came in. She said she never heard back. "In just that day, there's a decision that is not discussed with staff at all."

Southerland would eventually secure a meeting with Pruitt in July, but ahead of that, she and her team briefed the agency's new political appointees on the rule. They explained that less than 15 percent of coal-fired power plants would incur costs and that many companies had either already complied with the limits set by the regulation or were moving quickly to transform their handling of toxic liquid waste. But, she said they received little feedback.

Kyla Bennett, a former EPA employee and the New England director at Public Employees for Environmental Responsibility, an organization representing government employees in environmental fields, said that in previous administrations, political appointees drafting regulation would tap career staff for their expertise.

Now, she said, there's much less communication.

"They are being entirely cut out of decision-making and to the point that when permits are overturned or rules are being stayed or repealed, they are not asked for any input whatsoever," said Bennett. "People are cut out of the work they have been doing for 10 years."

Southerland compared current efforts to reconsider the guideline regulating power plant waste with a long and "ambitious rule-making project" under the Obama administration. She said the EPA had decided to regulate toxic-waste disposal knowing that companies were moving to retire coal-fired power plants, which meant the regulation's economic costs would be smaller.

Southerland said the regulation aimed at preventing environmental

accidents like the 2014 coal ash leak at a Duke Energy power plant that coated 70 miles of a riverbank in North Carolina.

In the petition that Southerland reviewed, the U.S. Small Business Administration's office of advocacy said that the rule's requirements would likely result in the closure of a significant number of coal-fired utilities.

"While these rule requirements may not adversely affect some utility plants, primarily larger utility plants, that have either planned to retire or already comply with the rule requirements, this provides no relief for mostly smaller units, serving many rural communities, for which the rule poses a severe hardship," Kevin Bromberg, the assistant chief counsel for environmental policy at SBA's office of advocacy, said in a statement to FRONTLINE.

In order to propose new regulations, federal agencies must submit them through a public comment period. Close to 470,000 public comments have been submitted in response to an executive order by President Donald Trump in February that directed federal agencies, including the EPA, to suggest regulations to be replaced, repealed or modified.

Southerland said she was handed a list of requests from leaders in the electric power industry to review and that she felt petitions from those groups were given priority. Her office was given a few days to respond to the industry's requests for repeals of regulations or scientific documents.

"In every case, I can tell you, we responded, 'No, the rules should not be repealed because there is no flaw in the process by which that rule was promulgated, and there's no technical error in that rule that would mean it should be repealed,'" she said.

As the petitions were under review, she said EPA staff weren't given access to Pruitt's calendar, so it was difficult to know when they could brief him. Instruction from political appointees was also verbal, not written, she said, resulting in "very one-way communication."

"It just doesn't look like the staff is being given a fair shake at having some more moderate, appeals done," she said. "It seems like that the

die is cast before we even start these elaborate, extensive briefings to try to show people that the work that's been done is very justifiable."

Ultimately, the rule that Southerland had worked on was suspended in September.

FRONTLINE producer Anya Bourg contributed to this story.

To: Ford, Hayley[ford.hayley@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Konkus, John[konkus.john@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]
Sent: Mon 10/16/2017 9:02:30 PM
Subject: RE: EPA Afternoon Highlights 10.16.17

A meritocracy this is not.

From: Ford, Hayley
Sent: Monday, October 16, 2017 5:02 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: EPA Afternoon Highlights 10.16.17

Yes and every single press article called her out for it so that really backfired.

Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Dravis, Samantha

Sent: Monday, October 16, 2017 5:00 PM
To: Hewitt, James <hewitt.james@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: EPA Afternoon Highlights 10.16.17

I'm sorry.. Betsy Southerland was making $250,000? That is absolutely outrageous.

From: Hewitt, James
Sent: Monday, October 16, 2017 4:43 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: EPA Afternoon Highlights 10.16.17

EPA Afternoon Highlights 10.16.17

-

Bloomberg: Trump's EPA Swears Off Settling Lawsuits With Environmentalists

The Trump administration moved Monday to curb settlements with environmentalists, instead vowing to fight cases designed to force the Environmental Protection Agency to take action. EPA Administrator Scott Pruitt said he is ending a "sue-and-settle" practice that has resulted in committing the agency to regulating greenhouse gas emissions from power plants and refineries, among other things. "As of today with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told reporters at a briefing Monday. Pruitt promised in an address to EPA employees in February to avoid "regulation through litigation" and later instructed agency staff to limit the practice.

The Washington Free Beacon: PBS Airs Anti-Pruitt Documentary Funded By Environmentalist Group Backer

A new PBS Frontline documentary that paints Environmental Protection Agency administrator Scott Pruitt as a tool for the fossil fuel industry received major funding from a group that has given hundreds of thousands of dollars to environmentalist activists like the Sierra Club. The documentary, "War on the EPA," received major support from the Kendeda Fund, an Atlanta-based nonprofit focused on the environment and sustainability. The documentary features interviews with numerous Obama administration backers, including Gina McCarthy, the former EPA administrator, and Betsy Southerland, a former EPA director making $250,000 who claimed earlier this year she resigned in protest because of the Trump administration's budget. Southerland was eligible for early retirement and told coworkers she was retiring because of family issues.

The Washington Post: EPA Administrator Pruitt issues directive to curb settlements with outside groups

Environmental Protection Agency Administrator Scott Pruitt issued a directive on Monday to constrain the type of legal agreements the EPA can reach with groups pressuring it to regulate, a move he said could be copied by other federal agencies. Ending the practice known as “sue and settle” has long been a top priority for conservatives and business groups. In recent years, especially under the Obama administration, the EPA and other agencies resolved litigation over delays in issuing rules by agreeing to specific timelines to act and reimbursing plaintiffs’ attorney fees. In a news briefing, Pruitt said he was taking action to ensure that consent decrees “are not used in an abusive fashion to subvert due process” and to exclude the public from weighing in.

Red State: Scott Pruitt Ends EPA Welfare Payments To Environmental Groups

One of the most egregious things about the EPA has always been the way it operated for the benefit of the large “environmental” groups and against the interests of states, communities, and individuals. Perhaps the worst part of this criminal collusion was the way the EPA used lawsuits against the EPA, coordinated with environmental groups, to short-circuit the rule-making process, deprive the public of a their right to petition the government, and keep the coffers of environmental groups topped off with EPA cash… Sometimes decrees were negotiated and approved that exceeded the authority of the court approving the decree…this is a different but related issue of the EPA and environmentalist groups cherry-picking courts and judges.

Talking Points Memo: EPA Chief Pruitt Looks To Kneecap Environmental Groups With New Policy

The head of the Environmental Protection Agency in effect declared trench warfare on

environmental groups on Monday, ending a practice he dubbed "Sue & Settle" by which the EPA would often settle lawsuits brought by outside groups in an attempt to get the agency to enforce its own rules. "As of today with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told a small group of reporters, including TPM, Monday morning at the EPA. "It's a regulation through litigation process." Pruitt painted the policy as a way that environmental groups profited off the agency during the Obama years, while those groups worked together to circumvent the normal rule-making process and create more stringent environmental regulations.

The Daily Caller: Trump's EPA Is Cracking Down On 'Sue And Settle' Lawsuits

Environmental Protection Agency (EPA) Administrator Scott Pruitt signed a directive ending an Obama-era legal practice that conservatives criticized as giving outside activists control of the regulatory process. "The days of regulation through litigation are over," Pruitt said in a statement issued Monday. Pruitt's order curbs the number of cases EPA settles with outside activist groups that file so-called "citizen suits." Outside groups, especially environmentalists, file citizen suits to force a federal agency to begin the rulemaking process. During the settlement process, environmentalists and government lawyers get to set new timetables for new regulations. States, industry groups and other third parties are largely left out of the settlement process.

The Washington Times: EPA to end Obama-era 'sue and settle' practice

The Trump administration on Monday took steps to end the highly controversial "sue and settle" practice that led directly to a host of environmental regulations throughout former President Obama's tenure. In an agency-wide directive, Environmental Protection Agency Administrator Scott Pruitt said the process has "harmed the American public" and kept citizens in the dark about exactly how rules and regulations are made. "The days of regulation through litigation are over," Mr. Pruitt said in a statement. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle."

Fox News: EPA's Pruitt moves to end Obama-era practice of 'sue and settle' with environmentalists

EPA Administrator Scott Pruitt moved Monday to end a controversial practice known as "sue and settle," which critics said was used during the Obama administration to cut deals with environmental groups leading to new regulations. "The days of regulation through litigation are over," Pruitt said in a statement, announcing a new EPA directive Republicans, including Pruitt,

had fought with the Obama administration in court over what they described as a back-room practice that led to more red tape. They claimed the EPA routinely entered into consent decrees with environmental groups that had sued the agency, in turn leading to new regulations for states – covering clean air rules and more – without allowing them to defend their interests.

Reuters: U.S. EPA head seeks to avoid settlements with green groups

The head of the U.S. Environmental Protection Agency issued a directive to his agency on Monday seeking to end the practice of settling lawsuits with environmental groups behind closed doors, saying the groups have had too much influence on regulation. EPA Administrator Scott Pruitt, who sued the agency he now runs more than a dozen times in his former job as attorney general of oil producing Oklahoma, has long railed against the so-called practice of "sue and settle." The EPA under former President Barack Obama quietly settled lawsuits from environmental groups with little input from regulated entities, such as power plants, and state governments, he argues. The directive seeks to make EPA more transparent about lawsuits by reaching out to states and industry that could be affected by settlements, forbidding the practice of entering into settlements that exceed the authority of courts, and excluding attorney's fees and litigation costs when settling with groups.

The Washington Examiner: Trump's EPA sets precedent by becoming first agency to end 'sue and settle' practice

The Environmental Protection Agency on Monday became the first of President Trump's agencies to issue an order barring the agency from being drawn into court settlements that alter environmental outcomes to the liking of environmental and other special interest groups. "The days of regulation through litigation are over," EPA chief Scott Pruitt declared in a statement. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress."

Western Journalism: Trump's EPA Closes 'Regulation Thru Litigation' Loophole

EPA Administrator Scott Pruitt has announced that the agency will immediately attempt to avoid entering into legal settlements with environmentalist groups seeking to use the power of the courts to force the agency into implementing unwanted rules and regulations. "As of today, with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told reporters at a briefing Monday, referencing an agency-wide memo issued earlier. This practice, described by Pruitt as "regulation through litigation," involved environmental groups trying to "bypass" the traditional regulatory process by suing the EPA, forcing the agency into settlements, Bloomberg reported.

Time: The EPA Is Ending an Obama-Era Practice That Conservatives Say Sped Up New Rules

The Environmental Protection Agency will stop issuing new environmental regulations in response to lawsuits from outside groups, ending a practice that conservatives say had been used by environmental groups during the Obama Administration to speed up the process, the agency's head said Monday. In a briefing for reporters, EPA Administrator Scott Pruitt said that the reversal was a matter of following proper procedure. "We are no longer going to be engaged in that practice," EPA Administrator Scott Pruitt said in a briefing for reporters. “It’s a very important day to make sure that as we engage in our rulemaking process we respect the process that Congress has established."

-

National Afternoon News Highlights 10.16.17

The Washington Examiner: Federal judge in Bob Menendez bribery case strikes down request for acquittal

A federal judge overseeing the bribery case against Sen. Bob Menendez, D-N.J., says he won't dismiss any of the charges against the senator, leaving it up to the jury to decide his fate. On Monday, Judge William Walls ruled against the defense's argument to drop the charges against the New Jersey lawmaker, claiming that they did not meet the definition of bribery under the 2016 Supreme Court decision against former Virginia Gov. Bob McDonnell. The Democratic senator is facing 18 criminal counts alongside his friend and wealthy Floridian, Dr. Salomon Melgen.

The Hill: Ryan projects House will pass tax bill by early November

Speaker Paul Ryan (R-Wis.) offered an ambitious timeline on Monday for when Congress will enact tax reform this year, starting with House passage of a bill in the next month. Ryan predicted in an interview with Milwaukee radio station WTMJ that tax overhaul legislation would pass in the House by “early November” and make it through the Senate to President Trump’s desk by the end of December. Formal legislation to reform the tax code has not yet been released. The House adopted a budget resolution earlier this month to unlock budgetary rules known as reconciliation so that Republicans can pass tax reform and circumvent a Democratic filibuster in the Senate.

Fox News: Trump, McConnell pledge unity on tax reform, health care after feud

President Trump exited a White House meeting Monday with Sen. Mitch McConnell saying his relationship with the Senate majority leader is "better than ever" and they are working together on major legislative priorities including tax and health care reform. "We've been friends for a long time," Trump said at a Rose Garden press conference following his meeting with McConnell, with whom he had a public falling out this summer. "We're fighting for big tax cuts. ... My relationship with this gentleman has been outstanding." Trump also said they are working on a measure to repeal and replace ObamaCare by early next year.

TRUMP TWEETS

Bloomberg

https://www.bloomberg.com/news/articles/2017-10-16/trump-s-epa-swears-off-settling-lawsuits-with-environmentalists

Trump's EPA Swears Off Settling Lawsuits With Environmentalists

By Jennifer Dlouhy, 10/16/17

The Trump administration moved Monday to curb settlements with environmentalists, instead vowing to fight cases designed to force the Environmental Protection Agency to take action.

EPA Administrator Scott Pruitt said he is ending a "sue-and-settle" practice that has resulted in committing the agency to regulating greenhouse gas emissions from power plants and refineries, among other things.

"As of today with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told reporters at a briefing Monday.

Pruitt promised in an address to EPA employees in February to avoid "regulation through litigation" and later instructed agency staff to limit the practice. Separately, Attorney General

Jeff Sessions has barred federal attorneys from negotiating settlements that result in payments from companies to third-party organizations, such as environmental groups.

But Pruitt's new directive makes it formal. Under the policy, the agency will publicize legal petitions that could lead to settlements and proposed agreements. The EPA also will not agree to substantively change regulatory timelines -- such as making commitments to rapidly issue rules -- through the settlement process.

The move takes aim at a practice conservatives have long criticized as empowering environmental groups to force federal agencies to issue regulations and commit to timelines for imposing them. Agencies that agree to settle with those groups -- and stop defending themselves in court -- generally negotiate the agreements privately, without the kind of public process that typically guides federal rulemaking. The resulting agreements effectively allow outside groups to hijack a federal agency's agenda, opponents say.

"It's a regulation through litigation process" that serves to "bypass" the formal rulemaking process, Pruitt told reporters at a briefing Monday. "As of today with this directive and the memorandum, we're no longer going to be involved in that practice."

Recent U.S. clean air rules have been driven by such legal settlements, including former President Barack Obama's Clean Power Plan, which aims to pare greenhouse gas emissions from electricity. Pruitt's EPA proposed repealing that initiative last week.

In December 2010, the EPA pledged to set curbs on carbon dioxide emissions from power plants and oil refineries as part of a settlement with environmental groups and more than a dozen state and local governments. The EPA blew the deadline for the power plant rule -- originally due in May 2012, though finally imposed more than three years later -- and never finalized similar standards for refineries.

"There is a time to settle cases," Pruitt said. "This is not a statement against consent decrees generally or settlements generally. It's the abuses around those practices that we are aiming at here" to make sure they are not used to "subvert" the process.

This is going to be applied "across the board," with every plaintiff that sues the agency. "This is not particular to one type of plaintiff," Pruitt said.

The EPA settled more than 60 lawsuits with outside groups between 2009 and 2012, resulting in more than 100 new regulations, according to the U.S. Chamber of Commerce, which has criticized the practice.

"Over the past decade, the business community has expressed growing concern about interest groups using lawsuits against federal agencies and subsequent consent decrees approved by a court as a shortcut technique to influence agencies' regulatory agendas," Chamber senior vice president William Kovacs told a House subcommittee hearing in May.

Advocacy groups sometimes sue to compel federal agencies to act when they are slow to finalize requirements or are ignoring an issue altogether. For instance, the EPA settlement on greenhouse gases from power plants and refineries came in part because the agency did not tackle the issue despite a 2009 conclusion that the emissions endanger the public health and welfare.

The federal government doesn't just settle lawsuits with environmental organizations. Lawsuits filed by trade associations and special interest groups as well as corporations are also fair game for legal settlements.

Any policy that discourages negotiations aimed at resolving those lawsuits early could lead to more protracted court battles, legal experts said.

"Lawsuits are incredibly expensive," said Joshua Galperin, a research scholar at Yale Law School. "Environmental groups and industry groups both -- and those are the groups who sue EPA -- they're both well-funded" and "can continue the process of a lawsuit really as long as it takes."

The Washington Free Beacon

http://freebeacon.com/politics/pbs-airs-anti-pruitt-documentary-funded-environmentalist-group-backer/

PBS Airs Anti-Pruitt Documentary Funded By Environmentalist Group Backer

By Elizabeth Harrington, 10/16/17

A new PBS Frontline documentary that paints Environmental Protection Agency administrator Scott Pruitt as a tool for the fossil fuel industry received major funding from a group that has given hundreds of thousands of dollars to environmentalist activists like the Sierra Club.

The documentary, "War on the EPA," received major support from the Kendeda Fund, an Atlanta-based nonprofit focused on the environment and sustainability.

The documentary features interviews with numerous Obama administration backers, including Gina McCarthy, the former EPA administrator, and Betsy Southerland, a former EPA director making $250,000 who claimed earlier this year she resigned in protest because of the Trump administration's budget. Southerland was eligible for early retirement and told coworkers she was retiring because of family issues.

Southerland tells PBS that Pruitt's EPA is a "clear and present danger to public health and safety in this country."

The documentary calls critics of the Obama administration's wide-ranging regulatory actions targeting the coal industry and nuclear power plants "climate deniers" and "extreme." The PBS narrator refers to Sen. James Inhofe (R., Okla.) as "the Senate's leading climate change denier" and features Jane Mayer, a journalist with the New Yorker, calling the Trump EPA "radical."

"What you see now in the Trump administration is the triumph of the anti-environmental movement," Mayer says. "They are now in control of the government and in control of the regulatory process in a kind of a brazen way we haven't seen before."

Obama administration alums are depicted as crusaders against pollution, as they appear in interviews dismayed by President Trump and Pruitt following through on campaign promises to roll back environmental regulations.

Gina McCarthy said the repeal of the Clean Power Plan, which was blocked by the Supreme Court and could have shrunk the coal industry by nearly half, was "disturbing."

Eric Schaeffer, a former EPA director of civil enforcement, called Pruitt's EPA a "hostile takeover" and a "political operation."

Jerry Taylor, a former fellow at the Cato Institute who now is in favor of a carbon tax, tells PBS the "conservative narrative" of a war on coal was "disconnected from reality."

PBS does not include clips in the documentary of Obama and Hillary Clinton discussing the coal industry. Obama said, "electricity rates would necessarily skyrocket" under his cap and trade plan, while Clinton boasted during a debate, "We are going to put a lot of coal miners and coal companies out of business."

PBS also interviews Eric Lipton of the New York Times, who was bothered by paintings in Pruitt's old attorney general office in Oklahoma that pictured sheriffs in the Old West and a Native American sheriff.

"When I first got to [Pruitt's] office, there were these large paintings on the wall," Lipton said. "It just struck me that this was the real Wild West, that we will dispense our own justice." The camera zoomed in on the painted gun in a holster, as ominous music played.

PBS also attempts to tie Pruitt to the Koch brothers and paints a picture of the administrator receiving dark money from oil and gas companies.

PBS says, "Much of the Koch's fortune came from oil and gas, and they would spend millions opposing Obama's initiatives."

The documentary received major funding from Kendeda, which in turn has donated to many liberal groups that lobby for climate change regulations. On its website, Kendeda encourages "activism that promotes solutions to the social and equity challenges caused by climate change."

Kendeda has donated to numerous environmentalist activist organizations, including: $70,000 to the Sierra Club, $50,000 to Earthjustice, $50,000 to the Southern Alliance for Clean Energy, and $500,000 to the U.S. Climate Action Network in 2015.

A spokesperson for WGBH, which put on the documentary, told the Free Beacon that the Kendeda Fund did not directly fund the documentary.

"The Kendeda Fund provides support to many organizations and groups, including schools and military families, and they have provided funding to WGBH under their People, Place, and Planet program for use in a variety of WGBH programs," said Jeanne Hopkins, vice president for communications. "Some was used to support this FRONTLINE film, along with its many other funding sources. They did not directly fund this program."

"War on the EPA was a political story full of voices on both sides of a contentious issue," Hopkins continued. "The film spent considerable time illuminating the roots of conservative thinking and action towards the EPA and featured key figures from industry and the movement around Scott Pruitt, including Bob Murray, CEO of Murray Energy and Myron Ebell, the head of President Trump's EPA transition team."

The group also donated $250,000 to the New Venture Fund, which also supports environmentalist organizations. The same year, New Venture Fund donated $515,000 to the Sierra Club Foundation and $95,000 to 350.org, which vows to "stop fossil fuels."

The documentary also features Andrew Miller, a lobbyist for Southern Company, who was asked

by PBS if it was "unseemly" that oil and gas companies lobbied against Obama's environmental regulations and that Pruitt and other Republican attorneys general filed lawsuits to stop the rules.

"Not at all," Miller said. "And the reason I say that is you have the Sierra Club partnering with attorneys general on the other side."

"It's all part of the Democratic process," he said.

The Washington Post

https://www.washingtonpost.com/politics/epa-administrator-pruitt-issues-directive-to-curb-settlements-with-outside-groups/2017/10/16/b62967ba-b280-11e7-be94-fabb0f1e9ffb_story.html?utm_term=.aaefc224f3ed

EPA Administrator Pruitt issues directive to curb settlements with outside groups

By Juliet Eilperin, 10/16/17

Environmental Protection Agency Administrator Scott Pruitt issued a directive on Monday to constrain the type of legal agreements the EPA can reach with groups pressuring it to regulate, a move he said could be copied by other federal agencies.

Ending the practice known as “sue and settle” has long been a top priority for conservatives and business groups. In recent years, especially under the Obama administration, the EPA and other agencies resolved litigation over delays in issuing rules by agreeing to specific timelines to act and reimbursing plaintiffs’ attorney fees.

In a news briefing, Pruitt said he was taking action to ensure that consent decrees “are not used in an abusive fashion to subvert due process” and to exclude the public from weighing in.

"It's very important that we do not get engaged in regulation through litigation," he said. "This is something that is a long time coming with respect to this agency."

Pruitt said his action will not bar the EPA from reaching settlements with outside litigants but that he wanted to block any agreements "changing a discretionary duty to a nondiscretionary duty."

He said it also was important to end the payout of attorney fees, since such settlements have "no prevailing party" and some payments are part of informal agreements that cannot be easily tracked.

The directive will provide for greater disclosure of potential settlements by directing the EPA to publish any notice of intent to sue within 15 days of receiving it; reaching out to states and any other entities potentially affected by such suits; and posting any proposed or modified consent decrees and settlements for a 30-day public comment period.

His push is part of a broader effort by the Trump administration to limit federal funding to outside groups as part of litigation. In June, Attorney General Jeff Sessions issued a memo to block payments to third-party, not-for-profit groups as part of environmental settlements. Instead of allowing defendants to fund environmental measures as a way of meeting their obligations for violating the law, Sessions argued, such penalties should go directly to the U.S. Treasury.

But environmentalists question whether Pruitt's directive, inspired by a memorandum that then-Attorney General Edwin Meese issued in the 1980s, will have much direct impact. The Clean Air Act and other environmental laws provide citizens and outside groups broad latitude to sue the EPA when it is failing to meet statutory deadlines, and the judge handling such cases typically determines the amount of legal fees the government must pay as part of any consent decree.

"That's not his decision to make," John Walke, of the Natural Resources Defense Council's Clean Air Project, said in an interview Monday. "A judge can impose attorney fees when an agency violates the law and citizens file suit to hold the government accountable."

The Clean Air Act already requires the EPA and the Justice Department to provide a 30-day public comment period for all consent decrees and settlement agreements before they are finalized or filed with a court, Walke said. Pruitt's action is "a lot of political puffery," he said.

Pruitt emphasized that some agreements the Obama administration reached with environmental groups, such as one aimed at curbing regional haze, were forged without the input of affected states. In that particular case, he noted, North Dakota sought to intervene but was excluded. Nonetheless, the consent decree "imposed obligations" on North Dakota once it was finalized.

The Government Accountability Office, which published a 2014 report on the EPA's practice of settling with outside groups, found that the agreements it examined had only "limited" impact on the agency's rulemaking process.

Officials in the agency's air quality office, according to the GAO, "said that deadline suits affect the timing and order in which rules are issued but not which rules are issued."

Red State

https://www.redstate.com/streiff/2017/10/16/scott-pruitt-epa-sue-and-settle/

Scott Pruitt Ends EPA Welfare Payments To Environmental Groups

By Strieff, 10/16/17

One of the most egregious things about the EPA has always been the way it operated for the benefit of the large "environmental" groups and against the interests of states, communities, and individuals. Perhaps the worst part of this criminal collusion was the way the EPA used lawsuits against the EPA, coordinated with environmental groups, to short-circuit the rule-making process, deprive the public of a their right to petition the government, and keep the coffers of environmental groups topped off with EPA cash.

his is how it worked:

"Sue and Settle " practices, sometimes referred to as "friendly lawsuits", are cozy deals through which far-left radical environmental groups file lawsuits against federal agencies wherein court-ordered "consent decrees" are issued based upon a prearranged settlement agreement they collaboratively craft together in advance behind closed doors. Then, rather than allowing the entire process to play out, the agency being sued settles the lawsuit by agreeing to move forward with the requested action they and the litigants both want.

In other words, the agency throws the case, somewhat like Bre'r Rabbit agreeing to be thrown into a favorite brier-patch. A big difference however, is that in this case, Farmer McGregor andMr. Rabbit were partners in the scam from the beginning. It's the unwary American public that actually does get caught in the thorns.

While the environmental group is given a seat at the table, outsiders who are most impacted are excluded, with no opportunity to object to the settlements. Accordingly, both the litigants and the defendant agency, operating in coffee bars and friendly courtroom shadows, avoid the harsh outside glare of oversight. No public notice about the settlement is released until the agreement is filed in court…after the damage has been done.

Sometimes decrees were negotiated and approved that exceeded the authority of the court approving the decree…this is a different but related issue of the EPA and environmentalist groups cherry-picking courts and judges. Not only do the 'green' groups often get cash payouts above and beyond attorney's fees, the policies they impose are often detrimental and would never have been enacted had state and local officials had the opportunity to weigh in:

The Chamber's study author, William Yeatman, Assistant Director for Energy and Environment at the Competitive Enterprise Institute (CEI), emphasizes that EPA's abuse of its Regional Haze authority forces states to relinquish their authority and accept EPA's far more expensive plans, thereby increasing consumer utility charges. He concluded that: "… no state is immune from having its rightful Regional Haze authority trampled by EPA at profound costs for virtually nonexistent benefits."

Having conducted eight state case studies, Yeatman found that:

•□□□□□□□□ In Arizona, EPA's Regional Haze regulation threatens to increase the cost of water, forcing the state to spend an additional $90.2 million per year to implement the federal regulation.

•□□□□□□□□ In Montana, EPA's proposed Regional Haze controls are nearly 250% more expensive than what that agency's standing rules presume to be "cost-effective" for compliance,

•□□□□□□□□ In 2011, the EPA disregarded New Mexico's Regional Haze plan, instead imposing a federal plan that requires nearly $840 million more in capital costs…potentially raising average annual household utility bills by $120.

•□□□□□□□□ Although North Dakota is one of only 12 states that achieves all of EPA's air quality standards for public health, it would not be able to achieve EPA's Regional Haze goals for visibility even by shutting down all industry. The EPA plan would also cost the state an additional $13 million per year,

•□□□□□□□□ Refusing to approve Oklahoma's Regional Haze plan, the EPA's plan would cost the state $282 million annually.

•□□□□□□□□ In Wyoming, the EPA proposed a federal implementation plan that would cost almost $96 million per year more than the state's plan.

•□□□□□□□□ Minnesota is subject to back-to-back Regional Haze regulations, whereby EPA is claiming authority to regulate regional haze twice in succession at its Sherburne County generating plant.

•□□□□□□□□ EPA's proposed plan would cost Nebraska nearly $24 million per year to achieve invisible "benefits".

The deals were cloaked in secrecy and top EPA officials were very much hands-on in working to use these agreements to keep the public in the dark:

Unfortunately, getting federal agencies to comply with formal FOIA requests isn't proving to be easy. And to make matters worse, there is evidence that top bureaucrats have even used private e-mail accounts and aliases to cover culpability tracks.

For example, Senator Vitter, along with Representative Darrell Issa (R-Calif.) who heads the

House Oversight and Government Reform Committee, recently sent a letter to James Martin, EPA's Region 8 administrator, warning him: "The use of personal, non-official e-mail accounts raises concerns that you could be attempting to insulate this and other e-mail correspondence from a Freedom of Information Act request. Moreover, your actions may also constitute violation of the Federal Records Act"…evading congressional oversight of federal agencies.

One of those private e-mails at issue involved an exchange between Martin and Vickie Patton, the General Counsel for the Environmental Defense Fund, regarding an arranged meeting with him. Patton wrote: "Hi Jim, Next Monday or Tuesday December 12/13 at 9am depending on which is best for you." Responding, Martin replied: "January 13 at 9:00 am works for me if it works for you. (Lost your original note-is that the date and time you proposed?" Vitter and Issa have confirmed that the meeting did, in fact, take place at the EPA regional office.

Several Martin e-mails were released by EPA as the result of a FOIA lawsuit lodged by Christopher Horner of the Competitive Enterprise Institute. Horner's efforts also revealed evidence that former EPA Administrator Lisa Jackson was conducting official agency business under cover of the alias name "Richard Windsor", and CEI also sued EPA seeking e-mails concerning the EPA's behind-the-scenes regulatory war on coal plants. Horner's new book, The Liberal War on Transparency, discusses this and other tricks.

Suspicions abound that the exposure of Jackson's undercover communications had much to do with her departure decision shortly afterwards. Senator Vitter commented: "I think this e-mail issue clearly spurred Lisa Jackson's resignation. But it's much broader than her. It's about a culture of hiding an extreme agenda from Americans because it can't be sustained in public debate."

For more information you need to read this report by Heritage and these links from US Chamber of Commerce (here | here).

Shortly after he was nominated, EPA Administrator Scott Pruitt said that he would end this anti-democratic process. Today he delivered.

In fulfilling his promise to end the practice of regulation through litigation that has harmed the American public, EPA Administrator Scott Pruitt issued an Agency-wide directive today

designed to end "sue and settle" practices within the Agency, providing an unprecedented level of public participation and transparency in EPA consent decrees and settlement agreements.

"The days of regulation through litigation are over," said EPA Administrator Scott Pruitt. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle."

…

"Sue and settle" cases establish Agency obligations without participation by states and/or the regulated community; foreclose meaningful public participation in rulemaking; effectively force the Agency to reach certain regulatory outcomes; and, cost the American taxpayer millions of dollars.

Read the whole letter.

Of course, the EPA is still bound by past shenanigans but going forward the 'green' groups will find the EPA is not a willing partner in litigation.

Talking Points Memo

http://talkingpointsmemo.com/dc/epa-chief-scott-pruitt-looks-to-kneecap-environmental-groups-with-new-sue-and-settle-policy

EPA Chief Pruitt Looks To Kneecap Environmental Groups With New Policy

By Cameron Joseph, 10/16/17

The head of the Environmental Protection Agency in effect declared trench warfare on environmental groups on Monday, ending a practice he dubbed "Sue & Settle" by which the EPA would often settle lawsuits brought by outside groups in an attempt to get the agency to enforce its own rules.

"As of today with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told a small group of reporters, including TPM, Monday morning at the EPA. "It's a regulation through litigation process."

Pruitt painted the policy as a way that environmental groups profited off the agency during the Obama years, while those groups worked together to circumvent the normal rule-making process and create more stringent environmental regulations.

"We should engage in rule-making that takes into consideration the voices that will be impacted across the country," he said. "What this sue-and-settle practice has done historically has bypassed that altogether."

The rule change could force environmental groups to spend much more time and effort on lawsuits aimed at making the EPA enforce its own rules and abide by agreed-upon timelines—spreading them thinner and making it harder for them to expend effort on other, more complicated cases. The EPA's decision to refuse to reimburse lawyers' fees also could be costly to environmental groups, as well as make it harder and less likely for average citizens and localities to undertake lawsuits to get the EPA to do what it's legally required to do.

Pruitt pledged that the agency would no longer reimburse attorneys' fees in cases where it decides to avoid a lawsuit, arguing that both environmental and business groups had abused it to enrich themselves in the past.

"This is not particular to one type of plaintiff," he said. "There should be no attorneys' fees paid, period, no matter who the plaintiff is."

Combined with measures to slash staff, a pattern of issuing fewer and lighter fines, and the rollback of Obama-era rules that crack down on greenhouse gas emissions from power plants to mitigate the effects of climate change, Pruitt's latest move is part of an overall shift at Trump's EPA that's radically more friendly to big business and hostile towards environmental groups.

The U.S. Chamber of Commerce, for instance, has railed against "Sue & Settle" for years.

The new memorandum formalizes a position of fighting every lawsuit tooth-and-nail that Pruitt had announced early in his tenure at the EPA. Back in February, he'd promised he wouldn't allow "regulation through litigation." The Justice Department also has stopped negotiating settlements that end up with payments to outside groups to cover attorneys' or other fees.

Fewer than a dozen reporters were included at the event with Pruitt, and some of them, including TPM, rarely if ever cover the environmental beat closely—a fact that frustrated some environmental reporters who weren't invited to attend:

Hear the full audio of the event below:

https://soundcloud.com/user-850821996/epa-administrator-scott-pruitt-speaks-to-reporters

The Daily Caller

http://dailycaller.com/2017/10/16/trumps-epa-is-cracking-down-on-sue-and-settle-lawsuits/?utm_source=site-share

Trump's EPA Is Cracking Down On 'Sue And Settle' Lawsuits

By Mike Bastasch, 10/16/17

Environmental Protection Agency (EPA) Administrator Scott Pruitt signed a directive ending an Obama-era legal practice that conservatives criticized as giving outside activists control of the regulatory process.

"The days of regulation through litigation are over," Pruitt said in a statement issued Monday.

Pruitt's order curbs the number of cases EPA settles with outside activist groups that file so-called "citizen suits." Outside groups, especially environmentalists, file citizen suits to force a federal agency to begin the rulemaking process.

During the settlement process, environmentalists and government lawyers get to set new timetables for new regulations. States, industry groups and other third parties are largely left out of the settlement process.

Republicans and conservative legal scholars labelled the practice "sue and settle" since the Obama administration often settled with outside groups, effectively giving activists control of the environmental regulatory agenda.

Pruitt also targeted the attorneys fees paid out to outside groups suing EPA to force a rulemaking. A 2016 Daily Caller News Foundation investigation found federal agencies pay out at least $50 million in attorneys fees for "sue and settle" cases since 2009.

A 2013 study by the U.S. Chamber of Commerce identified at least 71 lawsuits between 2009 and 2012 as "sue-and-settle" cases, and these resulted in more than 100 new regulations — many of which cost more than $100 million a year.

The Obama administration's Clean Power Plan, for example, is the result of a "sue and settle" lawsuit. EPA began the process of repealing that regulation last week.

"We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress," Pruitt said.

Pruitt's policy requires EPA to publish all citizen suits and settlements online for the public to see. EPA will also be limited in what kinds of settlements it can make with activists, and officials must reach out to states and other third parties.

Environmentalists weren't very happy with Pruitt's directive.

Federal environmental laws give individuals and groups the ability to sue agencies that don't issue a regulation by a statutory deadline. Groups that sue can also get their attorneys fees reimbursed.

EPA is just one of the many federal agencies activists sue every year to force new regulations. The U.S. Fish and Wildlife Service is the focus of many lawsuits, demanding the agency issue ruling on whether or not certain species are endangered.

Federal agencies paid out $30 million to attorneys for 237 citizen suits under the Endangered Species Act, a 2016 DCNF investigation found.

The Washington Times

http://www.washingtontimes.com/news/2017/oct/16/epa-end-obama-era-sue-and-settle-practice/

EPA to end Obama-era 'sue and settle' practice

By Ben Wolfgang, 10/16/17

The Trump administration on Monday took steps to end the highly controversial "sue and settle" practice that led directly to a host of environmental regulations throughout former President Obama's tenure.

In an agency-wide directive, Environmental Protection Agency Administrator Scott Pruitt said the process has "harmed the American public" and kept citizens in the dark about exactly how rules and regulations are made.

“The days of regulation through litigation are over,” Mr. Pruitt said in a statement. “We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney’s fees to these groups with which we swiftly settle.”

Sue and settle, which became commonplace during Mr. Obama’s tenure as his EPA developed tight-knit relationships with top environmental groups, essentially is a way to circumvent the formal rulemaking procedures. Under the practice, sometimes called “friendly lawsuits,” an outside group would sue a department or agency — in this case, the EPA — and ask that certain regulatory steps be taken, or that entirely new regulations be put in place.

Often, the agency would agree to settle the case outside of court, and the settlement agreement would provide a legal loophole for the EPA to simply enact the changes the outside organization sought without having to go through the traditional rule-making process, which requires public comment, draft proposals, and a host of other steps designed to keep the public informed.

Numerous Obama-era environmental policies were initially put in place as a result of sue and settle. They include: the Mercury Air Toxics Standards for Utilities rule; Regional Haze rules; Chesapeake Bay Clean Water Act rules; and many others related to air quality and energy exploration, according to a list released last month by the U.S. Chamber of Commerce.

Critics of sue and settle say that regardless of one’s opinion on climate change and environmental regulation, the practice itself is highly secretive and one of the worst examples of government colluding with outside groups.

“These egregious antics have effectively handed over the setting of agency priorities to environmental pressure groups, led to rushed rulemaking, and even altered the substance of regulations before they have been published,” said Daren Bakst, research fellow in agricultural policy at the conservative Heritage Foundation. “The EPA is making it clear that the public and the integrity of the rulemaking process are no longer going to be sacrificed for the political objectives of narrow interests.”

Fox News

http://www.foxnews.com/politics/2017/10/16/epas-pruitt-moves-to-end-obama-era-practice-sue-and-settle-with-environmentalists.html

EPA's Pruitt moves to end Obama-era practice of 'sue and settle' with environmentalists

By Staff, 10/16/17

EPA Administrator Scott Pruitt moved Monday to end a controversial practice known as "sue and settle," which critics said was used during the Obama administration to cut deals with environmental groups leading to new regulations.

"The days of regulation through litigation are over," Pruitt said in a statement, announcing a new EPA directive

Republicans, including Pruitt, had fought with the Obama administration in court over what they described as a back-room practice that led to more red tape. They claimed the EPA routinely entered into consent decrees with environmental groups that had sued the agency, in turn leading to new regulations for states – covering clean air rules and more – without allowing them to defend their interests.

"We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress," Pruitt said in a statement Monday.

Under the new policy, Pruitt said that whenever a settlement or consent decree is being considered, the EPA should reach out to any states or entities affected. He also wants to make sure related complaints or notices are published promptly, to forbid consent decrees "that exceed the authority of the courts," and to give time to modify proposed regulations and consider public comment.

Pruitt was one of the most outspoken critics of “sue and settle” during the Obama administration, when as Oklahoma attorney general he participated in multiple lawsuits against the agency he now leads.

Pruitt claimed at the time that dozens of lawsuits filed by environmental groups led to settlement arrangements that included terms beyond the guidelines approved by Congress.

The Obama EPA denied this at the time, maintaining that outside groups could not compel the agency to take any action they weren’t already compelled to take by law.

Environmental groups could respond with more court action. The Sierra Club on Monday retweeted an environmentalist who predicted: “Scott Pruitt will be spending a lot more of your taxpayer dollars defending his inaction in court.”

Reuters

http://news.trust.org/item/20171016165200-tm1oe/

U.S. EPA head seeks to avoid settlements with green groups

By Timothy Gardner, 10/16/17

The head of the U.S. Environmental Protection Agency issued a directive to his agency on Monday seeking to end the practice of settling lawsuits with environmental groups behind closed doors, saying the groups have had too much influence on regulation.

EPA Administrator Scott Pruitt, who sued the agency he now runs more than a dozen times in his former job as attorney general of oil producing Oklahoma, has long railed against the so-called practice of "sue and settle." The EPA under former President Barack Obama quietly settled lawsuits from environmental groups with little input from regulated entities, such as power

plants, and state governments, he argues.

The directive seeks to make EPA more transparent about lawsuits by reaching out to states and industry that could be affected by settlements, forbidding the practice of entering into settlements that exceed the authority of courts, and excluding attorney's fees and litigation costs when settling with groups.

Most lawsuits by green groups on the agency seek to push the agency to speed up regulation on issues such as climate and air and water pollution, studies have shown.

"The days of regulation through litigation are over," Pruitt said. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the agency."

Pruitt's order was supported by conservative groups.

Daren Bakst, a research fellow in agricultural policy at the Heritage Foundation think tank, said sue and settle has led to "egregious antics" that have "effectively handed over the setting of agency priorities to environmental pressure groups," and has led to rushed rulemaking by the agency.

But Pat Parenteau, an environmental law professor at the Vermont Law School, said Pruitt's directive would be "counterproductive" and costly because in the end courts could fine the agency if it does not meet compliance dates for issuing regulations.

"He can fight it if he wants as long as he wants, and spend as much money as he wants," Parenteau said. "But in the end if you've missed a statutory deadline, you are going to be ordered (by a court) to comply and then you are going to be ordered to pay fees."

The Washington Examiner

http://www.washingtonexaminer.com/trumps-epa-sets-precedent-by-becoming-first-agency-to-end-sue-and-settle-practice/article/2637650

Trump's EPA sets precedent by becoming first agency to end 'sue and settle' practice

By John Siciliano, 10/16/17

The Environmental Protection Agency on Monday became the first of President Trump's agencies to issue an order barring the agency from being drawn into court settlements that alter environmental outcomes to the liking of environmental and other special interest groups.

"The days of regulation through litigation are over," EPA chief Scott Pruitt declared in a statement. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress."

Pruitt's order would also end the practice of paying out "tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle," Pruitt added.

The litigation tool, commonly referred to as "sue and settle," was used with great success by environmental groups under the Obama administration to force a regulatory process behind closed doors, according to Pruitt. The Sierra Club, for example, used the legal tactic often as part of its "Beyond Coal" campaign program to force coal-fired power plants into early retirement.

It is a tactic that has served the environmental community well over the last decade. But EPA Administrator Scott Pruitt sought to change all of that on Monday through a new agency-wide policy to bar it from entering settlements where all affected stakeholders would be not be included in the final court-enforced settlement and consent decree.

Industry groups like the Chamber of Commerce have lobbied consistently against the practice of sue and settle, and Republicans on Capitol Hill have introduced legislation to confront the issue in recent years without much success.

It is "something a long time coming … and a very important day," Pruitt told reporters early Monday morning ahead of signing a memorandum directing the agency not to enter into sue and settle agreements.

"We are no longer going to be engaged in that practice anymore," he said. "What this sue and settle process has done is bypass the regulatory process altogether."

He called the practice "wrong," and said the agency is "the first agency to issue this directive in a memorandum" to challenge and stop abuse of the sue and settle process.

"It is a practice not unique to the EPA," but the number of cases brought to the agency to enter court-enforced settlements has placed it "in first place," Pruitt added.

"We are the first agency to take this action," he said, although Attorney General Jeff Sessions is "keenly interested" in engaging the issue of sue and settle across the government.

Pruitt said that "other agencies are taking notice as well."

Western Journalism

https://www.westernjournalism.com/trumps-epa-closes-regulation-thru-litigation-loophole/

Trump's EPA Closes 'Regulation Thru Litigation' Loophole

By V. Saxena, 10/16/17

EPA Administrator Scott Pruitt has announced that the agency will immediately attempt to avoid

entering into legal settlements with environmentalist groups seeking to use the power of the courts to force the agency into implementing unwanted rules and regulations.

"As of today, with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told reporters at a briefing Monday, referencing an agency-wide memo issued earlier.

This practice, described by Pruitt as "regulation through litigation," involved environmental groups trying to "bypass" the traditional regulatory process by suing the EPA, forcing the agency into settlements, Bloomberg reported.

Also known as "sue and settle," the strategy became popular among environmentalists during the tenure of former President Barack Obama. During Obama's first term in office, the EPA entered into over 60 such settlements and was forced to publish over 100 new regulations.

"Both data and anecdotal evidence show that, under the Obama Administration, consent-decree settlements have become more frequent," The Heritage Foundation noted in 2014.

Robert L. Bradley, the founder and CEO of the Institute for Energy Research, even suggested in a column for The Hill two years ago that "legal collusion … has occurred between federal agencies, including the Environmental Protection Agency (EPA), and well-heeled environmental groups."

"It typically begins with agencies being sued by environmentalists for failing to meet regulatory deadlines and then agreeing to settle the disputes out-of-court," he wrote. "These settlements, which achieve the environmentalists' goals and timeline, are written behind closed doors with little or no input from affected parties."

It's also believed the widely panned Clean Power Plan, which current President Donald Trump has only recently effectively gutted, was pieced together via this same practice.

Pruitt made it clear on Monday this sort of collusion won't be tolerated anymore.

"The days of this regulation through litigation are terminated," he announced. "'Sue and settle,' as this tactic has been called, undermines the fundamental principles of government that I outlined on my first day."

The Washington Examiner reported that during an informal briefing on Monday, Pruitt noted that the EPA was "the first agency to issue this directive in a memorandum to challenge and stop abuse of the sue and settle process."

"We are the first agency to take this action," Pruitt said.

He noted as well that this problem is "not unique to the EPA" and that Attorney General Jeff Sessions is "keenly interested" in implementing similar policies across the entire government.

But Pruitt also pointed out that settlements wouldn't themselves be banned.

"There is a time to settle cases," he said. "This is not a statement against consent decrees generally or settlements generally. It's the abuses around those practices that we are aiming at here."

Time

http://time.com/4983904/epa-regulations-rules-lawsuits-scott-pruitt/

The EPA Is Ending an Obama-Era Practice That Conservatives Say Sped Up New Rules

By Justin Worland, 10/16/17

The Environmental Protection Agency will stop issuing new environmental regulations in response to lawsuits from outside groups, ending a practice that conservatives say had been used by environmental groups during the Obama Administration to speed up the process, the agency's head said Monday.

In a briefing for reporters, EPA Administrator Scott Pruitt said that the reversal was a matter of following proper procedure.

"We are no longer going to be engaged in that practice," EPA Administrator Scott Pruitt said in a briefing for reporters. “It’s a very important day to make sure that as we engage in our rulemaking process we respect the process that Congress has established."

The EPA will also post legal petitions publicly for comment before any potential settlement with a third party and end the practice of paying attorneys fees for outside groups that sue the agency, Pruitt said.

The directive ending the practice — known among conservatives as "sue and settle" — formalizes a stance Pruitt has taken since the early days of his tenure. Pruitt criticized the practice in a speech addressing agency employees shortly after taking office. And he has since issued a verbal directive along those lines earlier this year, according to an E&E News report.

Conservative groups have long criticized "sue and settle" as running afoul of the rule of law, in particular the Administrative Procedure Act, which governs how agencies issue regulations.The move is the latest in a slew of efforts from Pruitt in his nine months on the job to shift the direction of the agency. Last week, Pruitt formally initiated a process to revoke the Clean Power Plan, Obama's central measure aimed at fighting climate change. Asked Monday whether the agency would issue a replacement, Pruitt said "that is in process" and suggested that the agency would provide more clarity soon when it formally begins the process of soliciting public comment on the issue.

The Washington Examiner

http://www.washingtonexaminer.com/federal-judge-in-bob-menendez-bribery-case-strikes-down-request-for-acquittal/article/2637645

Federal judge in Bob Menendez bribery case strikes down request for acquittal.

By Katie Leach, 10/16/17

A federal judge overseeing the bribery case against Sen. Bob Menendez, D-N.J., says he won't dismiss any of the charges against the senator, leaving it up to the jury to decide his fate.

On Monday, Judge William Walls ruled against the defense's argument to drop the charges against the New Jersey lawmaker, claiming that they did not meet the definition of bribery under the 2016 Supreme Court decision against former Virginia Gov. Bob McDonnell.

The Democratic senator is facing 18 criminal counts alongside his friend and wealthy Floridian, Dr. Salomon Melgen.

"We are living in a real world of reality and common sense," Walls explained in a lengthy opinion he read on Monday. "The jury will decide whose version of what happened or didn't happen is more likely than not."

The Hill

http://thehill.com/blogs/floor-action/house/355687-ryan-projects-house-will-pass-tax-bill-by-early-november

Ryan projects House will pass tax bill by early November

By Cristina Marcos, 10/16/17

Speaker Paul Ryan (R-Wis.) offered an ambitious timeline on Monday for when Congress will enact tax reform this year, starting with House passage of a bill in the next month.

Ryan predicted in an interview with Milwaukee radio station WTMJ that tax overhaul legislation would pass in the House by "early November" and make it through the Senate to President Trump's desk by the end of December.

Formal legislation to reform the tax code has not yet been released.

The House adopted a budget resolution earlier this month to unlock budgetary rules known as reconciliation so that Republicans can pass tax reform and circumvent a Democratic filibuster in the Senate.

Ryan expressed optimism that Republicans would have more success with tax reform than with their failed efforts to repeal and replace the 2010 health care law.

Ryan outlined three reasons why the GOP has a better shot at passing tax reform than they did with ObamaCare repeal.

He maintained that Republicans tend to agree more generally on tax principles; the White House and top House and Senate leaders released a tax reform blueprint; and the reconciliation process will allow Republicans to accomplish all of their goals on a tax overhaul in one bill, in contrast to the health care effort.

Multiple GOP health care proposals such as selling insurance plans across state lines and medical liability reform could not be included in the reconciliation measure due to Senate budget rules. That frustrated GOP lawmakers who could only consider those proposals in legislation that would be subject to Senate filibusters.

“So the procedure and the process is much more direct and streamlined. Republicans are more in agreement on how to do it. And we pre-agreed with the House, the Senate and the White House at the front end of this on how to do it. And that’s where we stand and that’s why we’re on track,” Ryan said.

The Speaker acknowledged that Republicans, by contrast, don’t hold widespread views on health care policy, despite unified opposition to ObamaCare for seven years.

“Frankly, Republicans with each other didn’t necessarily agree on how to do health care,” Ryan said.

The Senate is expected to consider its version of the budget this week. The two chambers’ budgets will have to be reconciled before the GOP can use reconciliation on tax reform.

Once Republicans in both chambers of Congress agree on a budget, the tax-writing House Ways and Means Committee is expected to release legislative text that adheres to its revenue outlines.

Tax legislation would then go through the Ways and Means Committee before reaching the House floor for a vote.

Ryan’s projection of House passage by early November puts lawmakers on a tight schedule.

The House is not in session this week and GOP leaders allowed members to depart Washington a day early last week following passage of a $36.5 billion aid package for Puerto Rico and other areas afflicted by recent natural disasters. Lawmakers won't be back at the Capitol until next Monday.

Ryan previously offered ambitious timelines for when Republicans would pass legislation to repeal and replace the health care law that never came to fruition.

At the start of this year, Ryan expressed a goal of wanting to pass a health care bill by Trump's 100th day in office at the end of April.

When that didn't happen, Republicans later aimed for clearing legislation by the August recess. The House did pass a repeal-and-replace bill in May, but the Senate was unable to approve its own version.

In the end, the reconciliation vehicle Republicans intended to use for a health care overhaul expired at the end of the 2017 fiscal year in September.

Fox News

http://www.foxnews.com/politics/2017/10/16/trump-mcconnell-pledge-unity-on-tax-reform-health-care-after-feud.html

Trump, McConnell pledge unity on tax reform, health care after feud

By Staff, 10/16/17

President Trump exited a White House meeting Monday with Sen. Mitch McConnell saying his relationship with the Senate majority leader is "better than ever" and they are working together on major legislative priorities including tax and health care reform.

"We've been friends for a long time," Trump said at a Rose Garden press conference following his meeting with McConnell, with whom he had a public falling out this summer. "We're fighting for big tax cuts. ... My relationship with this gentleman has been outstanding."

Trump also said they are working on a measure to repeal and replace ObamaCare by early next year.

“We have the same agenda. … We talk all of the time,” said McConnell, who said their meeting also included discussions about judicial appointments and additional hurricane relief funding. "We are together totally on this agenda to move America forward."

McConnell’s office earlier this week portrayed the White House meeting as a pro forma discussion about Republicans’ legislative agenda through the fall, which would include big-ticket items like tax reform, immigration and perhaps revisiting health care reform.

However, the meeting was also the first real face-to-face the leaders have had since their public rift over the summer, after the Republican-controlled Senate failed give Trump his first major legislative victory by repealing and replacing ObamaCare.

Trump in August said he was “very disappointed in Mitch,” after McConnell, R-Ky., said the president had “excessive expectations” about the legislative process.

A McConnell spokesman told Fox News on Sunday that the senator’s meeting with Trump also would include discussions on completing a budget resolution, confirming qualified judicial and other nominees and considering hurricane relief funding.

Trump and McConnell spent a considerable amount of time during their roughly 30-minute press conference talking about such judicial nominations.

McConnell called Trump getting Justice Neil Gorsuch on the high court "the single most important thing the president has done."

Trump argued Senate Democratic leader Chuck Schumer "and his group" are holding up "every single nomination," which he called "beyond comprehension."

Trump also hinted at presenting an economic development plan in the near future, in a wide-ranging press conference in which he also said NFL players should be suspended for sitting during the national anthem. And he taunted 2016 presidential rival Hillary Clinton on the possibility of a rematch, saying "please run again."

The meeting came as conservative groups and former Trump chief political strategist Steve Bannon are pressuring McConnell and other congressional Republicans to relinquish their leadership posts.

"This is our war," Bannon said Saturday at a gathering of religious conservatives," "The establishment started it. ... You all are going to finish it."

Ken Cuccinelli, a former Virginia attorney general who now leads the Senate Conservatives Fund, said Wednesday on Capitol Hill, said: "We call on all five members of the GOP Senate leadership to step down, or for their caucus to remove them as soon as possible."

Meanwhile, Senate Republicans appear to be rallying around McConnell.

"Mitch McConnell's not our problem," Sen. Lindsey Graham, R-S.C., said Sunday. "Our problem is that we promised to repeal and replace ObamaCare, and we failed. We promised to cut taxes and we have yet to do it."

GOP Sen. Susan Collins, a moderate from Maine who was a critical "no" vote on health care, said Americans are tired of Bannon-like rhetoric.

"They don't want this hyper-partisanship," she said. Mitch McConnell is the Senate majority leader. "The president needs him. I'm glad they're working together on tax reform and a lot of other issues. And I'm glad they're meeting this week."

In August, Trump tweeted: “Can you believe that Mitch McConnell, who has screamed Repeal & Replace for 7 years, couldn’t get it done. Must Repeal & Replace ObamaCare!”

McConnell responded to Trump’s Twitter barrage by saying the challenges of governing shouldn’t be a surprise.

"A lot of people look at all that and find it frustrating, messy. Well, welcome to the democratic process,” McConnell said at a GOP event in Kentucky this summer. “That's the way it is in our country."

Twitter

Donald J. Trump @realDonaldTrump · 7h

Art Laffer just said that he doesn't know how a Democrat could vote against the big tax cut/reform bill and live with themselves! @FoxNews

9.2K 8.8K 37K

Donald J. Trump @realDonaldTrump · 7h

Replying to @realDonaldTrump

The Democrats only want to increase taxes and obstruct. That's all they are good at!

12K 8.5K 36K

Donald J. Trump @realDonaldTrump · 7h

Dem Senator Schumer hated the Iran deal made by President Obama, but now that I am involved, he is OK with it. Tell that to Israel, Chuck!

7.2K 13K 46K

Donald J. Trump @realDonaldTrump · 7h

Since Election Day on November 8, the Stock Market is up more than 25%, unemployment is at a 17 year low & companies are coming back to U.S.

9.6K 12K 54K

Donald J. Trump @realDonaldTrump · 7h

The U.S. has gained more than 5.2 trillion dollars in Stock Market Value since Election Day! Also, record business enthusiasm.

12K 12K 56K

Donald J. Trump @realDonaldTrump · 6h

I was recently asked if Crooked Hillary Clinton is going to run in 2020? My answer was, "I hope so!"

33K 22K 90K

To: Falvo, Nicholas[falvo.nicholas@epa.gov]
From: Grantham, Nancy
Sent: Tue 8/8/2017 1:56:10 PM
Subject: FW: See WSJ opinion piece below

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

From: Grantham, Nancy
Sent: Tuesday, August 08, 2017 9:21 AM
To: Knapp, Kristien <Knapp.Kristien@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: See WSJ opinion piece below

EPA Resignation Facts

The rest of the story behind those loud civil-servant protests.

•

The media and federal unions are making a cause celebre out of federal scientists who have resigned and then denounced Trump Administration policies on the way out. We're all for shrinking the government workforce, but the political melodrama could use a few leavening facts.

The latest splash is from Elizabeth Southerland, until recently the director of science and technology in the Environmental Protection Agency's Office of Water. Ms. Southerland ended a 30-year EPA career last week with an internal memo decrying Donald Trump's "draconian" budget cuts, and his "industry deregulation." She said her "civic duty" required that she warn that "our children and grandchildren" face "increased public health and safety risks and a degraded environment."

This follows the much-publicized April departure of Michael Cox, who quit the EPA in Washington state after 25 years, complaining in a letter to Administrator Scott Pruitt about "indefensible budget cuts" and efforts to "dismantle EPA and its staff as quickly as possible."

Both EPA employees are of retirement age, and they are right to bow out if they can't in good faith work for Mr. Pruitt. Their letters nonetheless reveal an entrenched and liberal federal bureaucracy. Though career civil servants who are supposed to serve political appointees of any party, they have

clearly become progressive ideological partisans.

Their exits also explain why so much of the EPA workforce is misrepresenting or missing the point of Mr. Pruitt's policy changes. Ms. Southerland raps the Administrator's call to rebalance power between the feds and states, as she claims the EPA "has always followed a cooperative federalism approach."

Really? During the combined presidencies of George H.W. Bush, Bill Clinton and George W. Bush, the EPA imposed five federal air-quality implementation plans on states. Barack Obama's EPA imposed 56.

The Obama EPA also stripped states of their statutory development authority, whether with its pre-emptive veto of Alaska's Pebble Mine, or its Waters of the United States rule that gave the feds de facto sway over tens of millions of acres of private land. EPA employees embraced these new powers, but they violate the Constitution and hurt the environment.

Ms. Southerland seems to have forgotten that the largest clean-water disaster in recent years resulted from the EPA's 2015 decision to punch a hole in the Gold King Mine in Colorado, turning the Animas River yellow with waste water and heavy metals. The agency shares blame for the Flint, Michigan, lead crisis, having failed to alert the public.

The Fish and Wildlife Service has a dismal record recovering endangered species, while the Forest Service's logging restrictions have left millions of acres of dead, bug-infested trees as tinder for catastrophic wildfires.

Mr. Trump has proposed a 30% cut in EPA funding, but Congress won't cut anything close. Mr. Pruitt's decision to refocus on core jobs like Superfund cleanups means a shift in EPA spending in any event. The goal should be an EPA that is more efficient and effective—rather than one measured by employee numbers.

Ms. Southerland's exit may also free up some dollars. Federal records show she earned $249,000 last year in combined salary and bonus—$1,000 less than a Supreme Court Justice and about $200,000 more than the average taxpayer. She'll receive an annual lifetime pension worth about 75% of the average of the last three years of her career. With that sinecure, she should forgive taxpayers for thinking a little fiscal discipline at EPA might be in order.

Appeared in the August 8, 2017, print edition.

To: Falvo, Nicholas[falvo.nicholas@epa.gov]
From: Grantham, Nancy
Sent: Tue 8/8/2017 1:45:02 PM
Subject: FW: See WSJ opinion piece below

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

From: Grantham, Nancy
Sent: Tuesday, August 08, 2017 9:21 AM
To: Knapp, Kristien <Knapp.Kristien@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: See WSJ opinion piece below

EPA Resignation Facts

The rest of the story behind those loud civil-servant protests.

•

The media and federal unions are making a cause celebre out of federal scientists who have resigned and then denounced Trump Administration policies on the way out. We're all for shrinking the government workforce, but the political melodrama could use a few leavening facts.

The latest splash is from Elizabeth Southerland, until recently the director of science and technology in the Environmental Protection Agency's Office of Water. Ms. Southerland ended a 30-year EPA career last week with an internal memo decrying Donald Trump's "draconian" budget cuts, and his "industry deregulation." She said her "civic duty" required that she warn that "our children and grandchildren" face "increased public health and safety risks and a degraded environment."

This follows the much-publicized April departure of Michael Cox, who quit the EPA in Washington state after 25 years, complaining in a letter to Administrator Scott Pruitt about "indefensible budget cuts" and efforts to "dismantle EPA and its staff as quickly as possible."

Both EPA employees are of retirement age, and they are right to bow out if they can't in good faith work for Mr. Pruitt. Their letters nonetheless reveal an entrenched and liberal federal bureaucracy. Though career civil servants who are supposed to serve political appointees of any party, they have

clearly become progressive ideological partisans.

Their exits also explain why so much of the EPA workforce is misrepresenting or missing the point of Mr. Pruitt's policy changes. Ms. Southerland raps the Administrator's call to rebalance power between the feds and states, as she claims the EPA "has always followed a cooperative federalism approach."

Really? During the combined presidencies of George H.W. Bush, Bill Clinton and George W. Bush, the EPA imposed five federal air-quality implementation plans on states. Barack Obama's EPA imposed 56.

The Obama EPA also stripped states of their statutory development authority, whether with its pre-emptive veto of Alaska's Pebble Mine, or its Waters of the United States rule that gave the feds de facto sway over tens of millions of acres of private land. EPA employees embraced these new powers, but they violate the Constitution and hurt the environment.

Ms. Southerland seems to have forgotten that the largest clean-water disaster in recent years resulted from the EPA's 2015 decision to punch a hole in the Gold King Mine in Colorado, turning the Animas River yellow with waste water and heavy metals. The agency shares blame for the Flint, Michigan, lead crisis, having failed to alert the public.

The Fish and Wildlife Service has a dismal record recovering endangered species, while the Forest Service's logging restrictions have left millions of acres of dead, bug-infested trees as tinder for catastrophic wildfires.

Mr. Trump has proposed a 30% cut in EPA funding, but Congress won't cut anything close. Mr. Pruitt's decision to refocus on core jobs like Superfund cleanups means a shift in EPA spending in any event. The goal should be an EPA that is more efficient and effective—rather than one measured by employee numbers.

Ms. Southerland's exit may also free up some dollars. Federal records show she earned $249,000 last year in combined salary and bonus—$1,000 less than a Supreme Court Justice and about $200,000 more than the average taxpayer. She'll receive an annual lifetime pension worth about 75% of the average of the last three years of her career. With that sinecure, she should forgive taxpayers for thinking a little fiscal discipline at EPA might be in order.

Appeared in the August 8, 2017, print edition.

To: Ferguson, Lincoln[ferguson.lincoln@epa.gov]
From: Hewitt, James
Sent: Mon 10/16/2017 4:56:12 PM
Subject: free beacon story

The Washington Free Beacon

http://freebeacon.com/politics/pbs-airs-anti-pruitt-documentary-funded-environmentalist-group-backer/

PBS Airs Anti-Pruitt Documentary Funded By Environmentalist Group Backer

By Elizabeth Harrington, 10/16/17

A new PBS Frontline documentary that paints Environmental Protection Agency administrator Scott Pruitt as a tool for the fossil fuel industry received major funding from a group that has given hundreds of thousands of dollars to environmentalist activists like the Sierra Club.

The documentary, "War on the EPA," received major support from the Kendeda Fund, an Atlanta-based nonprofit focused on the environment and sustainability.

The documentary features interviews with numerous Obama administration backers, including Gina McCarthy, the former EPA administrator, and Betsy Southerland, a former EPA director making $250,000 who claimed earlier this year she resigned in protest because of the Trump administration's budget. Southerland was eligible for early retirement and told coworkers she was retiring because of family issues.

Southerland tells PBS that Pruitt's EPA is a "clear and present danger to public health and safety in this country."

The documentary calls critics of the Obama administration's wide-ranging regulatory actions targeting the coal industry and nuclear power plants "climate deniers" and "extreme." The PBS narrator refers to Sen. James Inhofe (R., Okla.) as "the Senate's leading climate change denier" and features Jane Mayer, a journalist with the New Yorker, calling the Trump EPA "radical."

"What you see now in the Trump administration is the triumph of the anti-environmental movement," Mayer says. "They are now in control of the government and in control of the regulatory process in a kind of a brazen way we haven't seen before."

Obama administration alums are depicted as crusaders against pollution, as they appear in interviews dismayed by President Trump and Pruitt following through on campaign promises to roll back environmental regulations.

Gina McCarthy said the repeal of the Clean Power Plan, which was blocked by the Supreme Court and could have shrunk the coal industry by nearly half, was "disturbing."

Eric Schaeffer, a former EPA director of civil enforcement, called Pruitt's EPA a "hostile takeover" and a "political operation."

Jerry Taylor, a former fellow at the Cato Institute who now is in favor of a carbon tax, tells PBS the "conservative narrative" of a war on coal was "disconnected from reality."

PBS does not include clips in the documentary of Obama and Hillary Clinton discussing the coal industry. Obama said, "electricity rates would necessarily skyrocket" under his cap and trade plan, while Clinton boasted during a debate, "We are going to put a lot of coal miners and coal companies out of business."

PBS also interviews Eric Lipton of the New York Times, who was bothered by paintings in Pruitt's old attorney general office in Oklahoma that pictured sheriffs in the Old West and a Native American sheriff.

"When I first got to [Pruitt's] office, there were these large paintings on the wall," Lipton said. "It just struck me that this was the real Wild West, that we will dispense our own justice." The camera zoomed in on the painted gun in a holster, as ominous music played.

PBS also attempts to tie Pruitt to the Koch brothers and paints a picture of the administrator receiving dark money from oil and gas companies.

PBS says, "Much of the Koch's fortune came from oil and gas, and they would spend millions opposing Obama's initiatives."

The documentary received major funding from Kendeda, which in turn has donated to many liberal groups that lobby for climate change regulations. On its website, Kendeda encourages "activism that promotes solutions to the social and equity challenges caused by climate change."

Kendeda has donated to numerous environmentalist activist organizations, including: $70,000 to the Sierra Club, $50,000 to Earthjustice, $50,000 to the Southern Alliance for Clean Energy, and $500,000 to the U.S. Climate Action Network in 2015.

A spokesperson for WGBH, which put on the documentary, told the Free Beacon that the Kendeda Fund did not directly fund the documentary.

"The Kendeda Fund provides support to many organizations and groups, including schools and military families, and they have provided funding to WGBH under their People, Place, and Planet program for use in a variety of WGBH programs," said Jeanne Hopkins, vice president for communications. "Some was used to support this FRONTLINE film, along with its many other funding sources. They did not directly fund this program."

"War on the EPA was a political story full of voices on both sides of a contentious issue," Hopkins continued. "The film spent considerable time illuminating the roots of conservative thinking and action towards the EPA and featured key figures from industry and the movement around Scott Pruitt, including Bob Murray, CEO of Murray Energy and Myron Ebell, the head of President Trump's EPA transition team."

The group also donated $250,000 to the New Venture Fund, which also supports environmentalist organizations. The same year, New Venture Fund donated $515,000 to the Sierra Club Foundation and $95,000 to 350.org, which vows to "stop fossil fuels."

The documentary also features Andrew Miller, a lobbyist for Southern Company, who was asked by PBS if it was "unseemly" that oil and gas companies lobbied against Obama's environmental regulations and that Pruitt and other Republican attorneys general filed lawsuits to stop the rules.

"Not at all," Miller said. "And the reason I say that is you have the Sierra Club partnering with attorneys general on the other side."

"It's all part of the Democratic process," he said.

To: Best-Wong, Benita[Best-Wong.Benita@epa.gov]; Shapiro, Mike[Shapiro.Mike@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Nagle, Deborah[Nagle.Deborah@epa.gov]; Campbell, Ann[Campbell.Ann@epa.gov]
From: Drinkard, Andrea
Sent: Mon 12/18/2017 7:48:17 PM
Subject: Fwd: What It's Like Inside the Trump Administration's… — ProPublica

Sent from my iPhone

Begin forwarded message:

From: "Jones, Enesta" <Jones.Enesta@epa.gov>
Date: December 18, 2017 at 12:47:54 PM EST
To: "Fuld, John" <Fuld.John@epa.gov>, "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>, "Lynn, Tricia" <lynn.tricia@epa.gov>
Cc: "Jones, Enesta" <Jones.Enesta@epa.gov>
Subject: What It's Like Inside the Trump Administration's… — ProPublica

We gave her background on ELG and coal ash.
https://www.propublica.org/article/inside-trump-regulatory-rollback-epa

What It's Like Inside the Trump Administration's Regulatory Rollback at the EPA

The fate of a rule more than a decade in the making is a microcosm of larger changes afoot.

Dec. 18, 12:17 p.m. EST

Scott Pruitt, once a longtime opponent of the Environmental Protection Agency, is now at its helm, spearheading a push to roll back regulations at a scale staffers say is unprecedented. (Tim Mcdonagh, special to ProPublica)

Betsy Southerland knew something was wrong the moment she walked into her office at the Environmental Protection Agency.

It was 8 a.m. on a Thursday in April and already, her team was waiting at her door, computer printouts in hand.

For months, staffers in the Office of Water had been in help-desk mode, fielding calls from states implementing a federal rule that set new limits on water-borne pollution released by coal-fired power plants. The rule on what is known as “effluent” had been hammered out

over a decade of scientific study and intense negotiations involving utility companies, White House officials and environmental advocates. The EPA had checked and rechecked its calculations to make sure the benefits of the proposed change outweighed the cost to the economy.

But now, members of Southerland's team were handing her a press release, firing questions as her eyes skimmed the page. *Did she know about this? Had she seen it? What happened?*

The announcement from EPA Administrator Scott Pruitt said the agency was considering undoing the rule. "This action is another example of EPA implementing President Trump's vision of being good stewards of our natural resources, while not developing regulations that hurt our economy and kill

jobs," the release said.

Southerland was stunned. In three decades as a career staffer at the EPA, she'd never seen an administrator describe a regulation in such terms. As director of science and technology for the office, she also had never learned of such a major change of direction from a press release. She couldn't give her team any answers. "I was as clueless as they were," Southerland recalled.

Since Trump was elected, dozens of environmental rules have been either opened for reconsideration or overturned altogether. These regulations would have had far-ranging effects, from banning hazardous pesticides and offshore oil drilling to stopping coal-mining debris from being dumped into local streams to forbidding hunters from shooting Alaskan wolves on wildlife refuges. They would

have required infrastructure projects to be built to higher flood standards and greenhouse gas emissions to be limited and tracked.

ProPublica took a close look at the effluent rule, which was one of the most scrutinized and meticulously researched of the regulations the new EPA leadership is preparing to overturn. Longtime staffers and environmental experts say it is an instance in which science and prevailing industry practices were swept aside to benefit a handful of coal-fired power plants that were having trouble meeting the new standards.

A spokeswoman for the EPA said the change of direction is part of a broader push to eliminate unnecessary federal rules.

“Administrator Pruitt has made a

commitment to refocus the Agency back to its core mission of protecting human health and the environment, restore power to the states through cooperative federalism, and improve processes by adhering to the rule of law," the spokeswoman told ProPublica. "This includes a review of regulations passed by the previous administration that may impose unwarranted burdens or exceed our statutory authority."

Many of the rules were years or even decades in the making, and the sheer speed with which they've been cast aside has left the EPA staffers who helped craft them shaken.

It has also deepened the chasm between the agency's top decision-maker and his agency's longtime staff. Pruitt's opposition to EPA regulation was a defining feature of his career before he

took the agency's reins. As Oklahoma's attorney general, he sued the EPA repeatedly and blasted its rules as overreaching. Since taking the administrator post, it's been reported that he's given lobbyists broad access and appointed people to key jobs who have close ties to the industries they are overseeing.

Betsy Southerland, a former EPA staffer shown near her home in Virginia, says she has seen "a long-planned assault on the agency." (Jared Soares for ProPublica)

To the Trump administration and its supporters, this is no more than a long overdue balancing of the scales. In any administration, one side is always happier than the other, said Fred Palmer, a senior fellow at the Heartland Institute, a free-market think tank. "They are not

being listened to because they disagree with the agenda of the President of the United States who, at the end of the day, is their boss," he said of EPA staffers, "like it or not."

Pruitt's interaction with Southerland and her team on the effluent rule reflects the degree to which the EPA is now shutting its own staff out of the decision-making process.

Under previous administrations, Republican and Democratic alike, Southerland said staffers could make their case to agency leaders, presenting the scientific evidence behind rule-making proposals and other regulatory decisions. They didn't always win the day, but they often managed to hold onto the provisions they considered most important.

But under Pruitt, she and others said, EPA's career staffers have seen their access to the agency's leadership dwindle. More importantly, their arguments no longer have much influence on the rapid-fire series of decisions announced by Pruitt.

"This has been a long-planned assault on the agency, not some serendipitous thing," Southerland said. "(Staffers) now understand that the overall process will be to repeal everything requested by industry."

Lagging Behind

The long road to the revamped effluent rule began in 2005.

"Effluent" is wastewater that is allowed to be discharged into rivers and lakes, a byproduct of 59 different industries, from

commercial animal farms and landfills to soap companies and dental offices. This wastewater often contains dangerous toxins.

The Clean Water Act — a bedrock environmental protection that sought to make American waters “fishable and swimmable” — requires the EPA to set limits on toxins found in effluent. The rules must be updated every five years to keep up with advances in the technology that filters out dangerous chemicals.

Within the EPA, this task belonged to the Office of Science and Technology, a team of more than 100 scientists, engineers and economists within the Office of Water who develop standards to protect water safety and recommend limits for levels of contaminants. To update the effluent limits, the team had to understand how much each industry was

polluting the water, how each processed its waste and how that process was evolving.

But the sheer volume of effluent-generating industries made it impossible for the office to revise the rules every five years. So, the office set priorities.

Every year, the office reviewed pollutant discharges reported by companies and ranked them into categories that posed hazards to human health and the environment. In 2003, EPA's screen found that coal plants ranked high in discharges of toxins and pollutants.

To keep coal ash — the carcinogenic leftovers from burning coal — from winding up in the air, some power plants use what are called scrubbers to trap it. Those scrubbers need to be cleaned, and the residue is mixed with water and

stored in ponds. To keep those ponds from overfilling, plants ultimately release effluent into nearby waterways. It's a potentially hazardous process. Effluent from coal ash contains mercury, arsenic, lead and selenium — elements linked to an increased risk of lower IQs in children, cancer and organ damage.

In the mid-'00s, when the EPA's concern about effluent from coal ash ponds grew, federal rules were silent on these toxins. The limits focused on curbing oil, gas and total suspended solids — the visible stuff floating in coal ash wastewater. The regulations hadn't been revised since 1982.

There was a growing body of studies and news reports detailing the damage caused by chemical contaminants from coal plant wastewater. Researchers learned of fish turning up deformed and

dead, and bullfrogs found crippled, missing entire rows of teeth. There were reports about coal ash ponds leaking and contaminating nearby groundwater. Drinking wells were poisoned in Maryland and Indiana.

The office needed more data to form the basis of a new rule. It started collecting it in 2005.

First, staffers needed to understand what technologies companies were using to control pollution from coal plants, how much it cost and how clean the wastewater could get. They created a 391-page questionnaire that would ultimately reach 733 facilities.

In 2006, EPA scientists started visiting power plants to better understand how they operated. This launched eight years of study that took them to 73 facilities in

18 states. They collected samples to understand how different types of coal polluted the water and how well different treatment systems performed. Their investigation took them all the way to southern Italy, where a power plant in Brindisi was using an advanced wastewater evaporation process to protect an aquifer.

By 2009, the office reported their findings, saying it was clear newer technologies were available to “significantly reduce” the presence of harmful pollutants in public water, and that existing regulations were far out of date.

The office had the evidence it needed to move forward with stronger limits on coal plant effluent.

Stuck In the Middle

Even as the EPA prepared to move forward on a rule, environmentalists grew concerned about reports on coal ash wastewater. On top of that, the Obama administration was strengthening rules to keep coal plants from pumping toxins like mercury into the air. If the rule went through, coal plant scrubbers would capture even more toxins, much of which would eventually end up in coal ash ponds that would discharge effluent.

“You’re taking the pollution out of the air and putting it into the water,” said Jennifer Peters, national water programs director at Clean Water Action. “That triggered concern within EPA and the environmental community wanting to ensure that they’re not just moving the pollution problem around.”

Environmentalists prodded the EPA to

look at the danger to both the air and the water, but officials were in the thick of revising other regulations. So in 2010, several environmental groups sued the agency to force it to get the new effluent rule out sooner.

In a consent decree, reached in November 2010, the EPA agreed to propose an updated effluent rule by 2012, with a final rule coming no later than 2014. But there was a complicating factor.

Another EPA branch — the Office of Land and Emergency Management — was drafting another rule about coal ash waste. Called the Coal Combustion Residuals rule, it was aimed at making sure coal ash ponds and landfills were structurally sound. The two rules needed to work in harmony, but scientists from each office had collected data in different

ways. The data needed to be standardized, and distinct costs and benefits assigned to each rule. The benefits of each rule had to justify the costs — a Clinton-era reform designed to limit excessive regulation.

The task fell to the Office of Science and Technology, which Southerland had just taken over after leaving another branch of the EPA. The analysis took longer than expected.

“We kept asking for delays because we kept having to redo the analysis on both rules to make sure we weren’t double counting the benefits,” Southerland said.

By now, her office was confident in its research, which showed some companies were using biological and chemical processes to clean wastewater. These other processes drastically

reduced the toxins that ended up in the water, as well as the amount of water that needed to be released.

Southerland's office crafted a rule that set limits on the amount of toxins that could be discharged. And though it didn't specifically forbid using coal ash ponds, the rule would have forced plants to use technologies that could meet the more stringent limits.

It was time to take the proposed rule to the next phase.

In January 2013, the EPA submitted it to the White House's Office of Information and Regulatory Affairs, a forum for other agencies to review pending regulations and for lobbyists to weigh in. OIRA is a gatekeeper for all federal rules and needs to give final approval for any rule.

The substance of OIRA meetings are confidential, but public logs show that utility industry lobbyists and lawyers had ample opportunity to make their case.

In the end, the Obama administration office approved coal ash ponds as the "best available technology," contrary to EPA's recommended option. OIRA also recast some of the scientific findings and softened language toward coal utilities while finding that the benefits of the rule were less than the EPA had projected.

When the proposed rule went out for public comment, utilities argued the EPA was underestimating its cost, that wastewater was already being addressed through other regulations and that there was no proof that newer technologies were more effective in reducing the concentration of toxins in wastewater. Environmentalists had their own

complaints, pressing the agency to eliminate wastewater discharges entirely and arguing the proposed regulations would likely lead to new coal ash ponds.

In all, more than 200,000 members of the public weighed in during the four-month comment period, largely due to letter-writing campaigns from environmental groups. A California woman recounted how industrial coal processing chemicals fouled water in West Virginia, leaving her friends with unsafe water for weeks. A West Virginia woman pleaded for help: “One thing’s for certain — our state oversight of this immense environmental legacy is sorely lacking and we desperately look to the EPA to stand up for us!”

Industry weighed in as well, often attaching voluminous studies and additional monitoring data to their

comments. Southerland said she led the team in around-the-clock analyses to see if the industry-provided data affected the calculations that went into the rule.

At the same time, Southerland's boss mounted a campaign to push OIRA to approve EPA's original version of the rule.

Ken Kopocis, the former top official in the EPA's water office (Jared Soares for ProPublica)

Ken Kopocis, a lawyer who worked on Capitol Hill for more than 25 years before Obama nominated him to lead the Office of Water, said he appealed to "high-ranking" officials in the Office of Management and Budget, which oversees OIRA, and also the White House, walking them through the research.

“My people in Water didn’t think we were going to be able to get the rule we wanted,” Kopocis said. “I said, ‘No, we’re going to fight for it and we’re going to get it.’ ... OIRA is full of capable people. But they don’t know as much as the agency does.”

Kopocis’ strategy worked: He was able to convince OIRA to reverse its initial decision.

The final rule, released on Sept. 30, 2015, substantially mirrored EPA’s original proposal, setting strict limits, for the first time, on the amount of selenium, arsenic, mercury and nitrate utilities could discharge. It didn’t prescribe a specific technology plants needed to use to achieve this goal, but it said the tougher limits couldn’t easily be met using coal ash ponds.

This rule was “incredibly significant,” Kopocis said, because there’s “no dispute” that the toxins curbed by the rule are harmful. “It’s just incredible that we had all of these pollutants being put into water bodies when the technology was available to stop it.”

And it turned out, most utilities had already moved to comply with the toughened rule. EPA officials found that only 12 percent, about 134 facilities, needed to update their technology.

Officials knew some plant operators wouldn’t be able to afford the upgrades. “There might have been a plant or two that would have ended up closing,” Kopocis said.

The EPA gave utilities years to raise the money needed to limit the toxicity of the

liquid they released. The rule required them to start cleaning up their discharges by November 2018 and until 2023 to complete the transition.

The rule was challenged in courts around the country. Industry lawsuits said it was too difficult to comply with the rule; environmentalist lawsuits said it needed to go further. For months, cases were in limbo as they were consolidated before a single court. Industry and environmentalists tried to compel the EPA to disclose confidential business information gathered to create the guidelines — data that could be picked apart to bolster their legal arguments. The EPA asked the court for time to prepare briefs, delaying the case to 2017.

All this was pretty much par for the course for any new EPA rule.

Inside the Office of Science and Technology, Southerland's team moved forward with implementing the rule, holding webinars, writing documents and answering state regulators' questions about how to put the guidelines into practice. They continued that work as the Obama administration ended and the Trump administration brought new leadership to the top of the agency.

Art of the Deal

Standing there on that April morning, press release in hand, Southerland didn't panic.

She had navigated setbacks under all kinds of administrations since she joined the EPA in 1984. Trained as an engineer, with a doctorate in environmental sciences and engineering, she said her instinct was to brief the administrator on

the science.

She gathered key staffers around a conference table and got to work.

They quickly decided their old briefing documents from the Obama administration were too technical. For 90 minutes, they outlined the contours of four briefings — one each on how the rule came together, why it was affordable, why it was necessary, and the legal challenges that might arise from further revision.

Southerland told her team they needed to give Administrator Pruitt “all the relevant facts,” she said, so he “could make a good decision.” He was reconsidering the rule, but before he restarted the formal rulemaking process, they hoped they could persuade him not to throw it out completely.

These were their best arguments: The rule was already being widely followed by the industry. The industry claim that the rule would cause power plants to close was likely wrong — many plants lacking the appropriate technology were already slated for retirement, pushed out by the low cost of natural gas. The delayed compliance dates would give the remaining companies time to plan and pay for the shift.

The team spent the rest of the day fleshing out details.

“We were absolutely hopeful,” Southerland said. “We thought if anything, we could talk him into repealing just a small part of it.”

They tried to get on Pruitt’s schedule, but he was booked — often with back-to-

back speaking engagements, meetings and briefings with industry executives, published calendars show.

While they waited to meet with Pruitt, Southerland and her team worked on those around him. For two months, they held in-person and phone briefings with EPA lawyers, high-ranking political appointees and career staffers. In meeting after meeting, they walked different officials through the development of the rule, the legal issues related to it, and the price tag for implementing it. They received no pushback from Pruitt's lieutenants in those briefings, staffers said, and few questions.

Finally, they had two briefings on July 14 and July 21 with Pruitt himself, packing all of their talking points into those one-hour time slots.

Walking into the administrator's packed conference room for the first time, their hopes were high. "We assumed we had dazzled them and this was just the finishing touch," Southerland said.

In the first briefing, the team explained how it developed the rule and calculated its costs; then, it laid out the arguments industry had raised and, point-by-point, gave potential options for solving them.

Pruitt took notes and was "attentive," Southerland said, but asked few questions.

In the second briefing, the team laid out the bottom line of Pruitt's options and the consequences of each. Reopening portions of the rule would likely mean even more stringent effluent limits down the road, since technology had improved

since the final rule was released in 2015, they said. Repealing the entire rule would rollback all of the protections — even those that utilities supported.

Finally, Pruitt asked if there was anything else the staff wanted to say. Staffers added that municipal water utilities had expressed concern that, without the rule, they would bear the costs of keeping effluent pollutants out of the drinking water supply. Staffers also noted that putting the rule on hold would lead to confusion for states renewing discharge permits for coal plants. When the staffers finished speaking, Pruitt thanked them. The meeting was over.

On the walk to the elevator, the team was ecstatic.

“We thought we made all of our points and that we couldn’t have done a better

job explaining how important and affordable this rule was," Southerland said.

The EPA now had to hear from the public. In May, Pruitt had proposed delaying the deadline for coal plants to comply with the effluent guidelines while the agency considered whether to revise the rule entirely. The proposed rule triggered a public comment period, including a hearing on July 31 in which 71 people signed up to testify. Only three speakers were from industry. The rest begged for the effluent limits to remain intact.

"If somebody backed a tractor trailer truck of mercury up to my lawn or your lawn and dumped it on your lawn, what would you do?" said environmental attorney Robert F. Kennedy Jr. "You would say to them, 'Clean it up. Clean it all up.' And if

they said to you, ‘Well, it’s too costly for us to do that,’ you would say, ‘I don’t care what the cost is. You have no right to do that, ever.’”

Eleven days later, Pruitt sent a letter to lobbying groups that had requested that the rule be reopened, announcing that the EPA would re-examine the pollution limits that the new effluent rule set for the two biggest sources of wastewater from coal plants, potentially erasing the thrust of the rule issued in 2015.

Not long after, Pruitt’s office announced that “substantive portions” of the other rule to regulate coal ash ponds, the Coal Combustion Residuals rule, would be reconsidered. An EPA spokeswoman said “there were significant issues” with both rules that “justify the need to take a second look.”

“We were heartbroken,” Southerland said. “We raked ourselves over the coals trying to say ‘what more could we have done?’”

Delay and Defeat

The reopened effluent rule sent ripples through the coal plant industry and beyond.

In Indiana, a company that planned to install $400 million in upgrades postponed seeking funding for a system that would have complied with the new pollution limits. The company, Northern Indiana Public Service Co., will “revisit... investments once the EPA completes its review,” said director of external communications Nick Meyer.

The Tennessee Valley Authority — a federally owned independent power

company — told state regulators it was holding off on installing new technology until 2023. The company said it was awaiting guidance from the state, which was waiting for the EPA. “We’re not delaying anything,” Scott Brooks, the company’s spokesman, said, “but when you have a rule that’s suspended, you go back to what was in place prior to the guidelines that were suspended.”

Frontier Water Systems, which had created a system for dry-handling coal ash waste, is already feeling the squeeze. The company has about 24 employees in San Diego, Salt Lake City and outside of Atlanta and is on track to do $15 million in business this year. But the company’s future is uncertain, since so much relies on when or if coal plants will be required to clean up their waste streams. One of the owners, Jamie Peters, said they’d consider selling their

technology to China or another country if it's unsustainable here.

Southerland retired in August, but she has since been a vocal critic of EPA's direction under Pruitt. (Jared Soares for ProPublica)

"If this rule is delayed significantly or removed, we would probably have to abandon this," Peters said. "I don't think we have years; we have months."

The new rulemaking process could take a few years, former officials said, since the EPA will have to collect data about the current state of wastewater technology in order to propose a replacement standard, then go through the interagency review process again and allow for more public comments.

Now, Southerland is on the outside

looking in. In an interview with ProPublica, Southerland, 68, said she opted to retire in August for family reasons, though she's been an outspoken critic of Pruitt since she left.

She made her farewell letter public, and it went viral.

"The truth is, there is NO war on coal, there is NO economic crisis caused by environmental protection, and climate change IS caused by man's activities," she wrote.

At her retirement party, she read the speech to the colleagues she was leaving behind — the ones tasked with orchestrating repeals of rules they crafted. Her scathing critique was both an acknowledgement of their current reality, and a plea to stay the course.

“I know in my heart that the majority of Americans in this country recognize that protection of public health and safety is a right and it is just,” she said. “And so this will happen. And all of you must just wait for that day to come — whether it’s two years, three years or four years: that day will come. So, do not give up. Do not feel that your efforts are going to go to waste in these four years. Because, eventually, you will overcome.”

At first, Southerland said, scientists at the agency expressed optimism that they could prevent rules they’d spent their careers to advance from being weakened or scrapped. But as time wears on, she said, that hope is fading.

More than 700 EPA employees had taken buyouts and early retirements by September, both because they oppose the agency’s current direction and to take

advantage of a $12-million initiative launched to thin the ranks.

When asked about the departures, an EPA spokeswoman said the agency has more than 1,600 scientists and that "Pruitt has assembled a staff of highly-qualified individuals to help implement the President's agenda, and ensure that EPA will continue to promote policies that provide clean air and water, protecting the environment and human health, while encouraging economic growth."

Southerland's former boss Kopocis, who retired in 2015, still speaks with former colleagues and tries to remind them why they came to the EPA in the first place.

"People complain about the actions of the EPA, but when you ask about the specific benefits ... no one says, 'I want that to go away,'" he said. "They don't say 'my

drinking water is too safe' or 'the beaches are too clean. I really miss that hazardous waste site next to my kids' school ...'

"I've never been in a workplace where so many people work there because they wanted to," Kopocis said. "They got graduate degrees so they would be qualified to work at the EPA ... It's like being a park ranger — nobody would wear that Smokey the Bear hat unless they wanted to be a park ranger."

To: kevin.bromberg@sba.gov[kevin.bromberg@sba.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]
From: Greenwalt, Sarah
Sent: Tue 8/1/2017 9:56:38 PM
Subject: RE: Steam Electric Statement by Betsy Southerland - Suggested Reactions

Thank you Kevin.

Sarah A. Greenwalt

Senior Advisor to the Administrator

for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722|Cell: 202-816-1388

Greenwalt.Sarah@epa.gov

From: Bromberg, Kevin L. [mailto:kevin.bromberg@sba.gov]
Sent: Tuesday, August 1, 2017 5:22 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject: Steam Electric Statement by Betsy Southerland - Suggested Reactions

"The new EPA Administrator already has repeals of 30 rules under consideration, one of which is the steam electric rule promulgated in 2015 after EPA spent years collecting data on power plants, millions of dollars conducting engineering and economic analyses of those data, and months responding to extensive public comment. The final rule required for the first time that the highly toxic wastes of coal fired electric plants be treated rather than poured untreated into large holding ponds where the toxic chemicals seep into ground water and overflow into surface water, contaminating public water supplies and private wells and poisoning fish and wildlife. The objective of the 2015 rule is to prevent repeats of the many environmental catastrophes caused by the failure of power company coal ash ponds, the most recent being the 70 mile long Duke Energy spill into the Dan River of North Carolina."

Not for public consumption – EPA withheld the key benefits data from us during interagency

review, so we couldn't reduce the highly inflated benefits projected by the staff analysis. This was the first time that EPA staff withheld the key effluent data from me in a review since at least 1995. We knew the results were inflated. The final rule results are considerably lower than the proposal benefits because of industry criticism. EPA regularly inflates proposals, and deflates them in the final rules. This is the first final rule since 1995 that was not properly reduced, in my experience.

For public consumption – EPA understands that the pollution benefits, based on analyses from forty year old data, and including other errors, needs to be recalculated. We also understand that the agency may have underestimated the costs of upgrading existing plants to new standards. Given the hundreds of millions of dollars of annual costs at stake, and questionable benefits, it is most appropriate to review standards that could have major negative impacts on rural America. For example, there is little evidence that control of the bottom ash processes will yield significant environmental benefits, according to industry comments.

With regard to the coal ash pond failures, EPA has already issued separate strict regulations (CCR) requiring unit integrity and regular inspections. This rulemaking is not needed to address that issue.

I am glad to add to this if interested.

Kevin Bromberg

Assistant Chief Counsel for Environmental Policy

SBA // Office of Advocacy

409 3rd St. SW, Washington, D.C. 20416

kevin.bromberg@sba.gov 202.481.2963

202.205.6964

U.S. SMALL BUSINESS ADMINISTRATION

OFFICE OF ADVOCACY

REGULATION • RESEARCH • OUTREACH

To: Forsgren, Lee[Forsgren.Lee@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]
From: Bromberg, Kevin L.
Sent: Tue 8/1/2017 9:21:30 PM
Subject: Steam Electric Statement by Betsy Southerland - Suggested Reactions

"The new EPA Administrator already has repeals of 30 rules under consideration, one of which is the steam electric rule promulgated in 2015 after EPA spent years collecting data on power plants, millions of dollars conducting engineering and economic analyses of those data, and months responding to extensive public comment. The final rule required for the first time that the highly toxic wastes of coal fired electric plants be treated rather than poured untreated into large holding ponds where the toxic chemicals seep into ground water and overflow into surface water, contaminating public water supplies and private wells and poisoning fish and wildlife. The objective of the 2015 rule is to prevent repeats of the many environmental catastrophes caused by the failure of power company coal ash ponds, the most recent being the 70 mile long Duke Energy spill into the Dan River of North Carolina."

Not for public consumption – EPA withheld the key benefits data from us during interagency review, so we couldn't reduce the highly inflated benefits projected by the staff analysis. This was the first time that EPA staff withheld the key effluent data from me in a review since at least 1995. We knew the results were inflated. The final rule results are considerably lower than the proposal benefits because of industry criticism. EPA regularly inflates proposals, and deflates them in the final rules. This is the first final rule since 1995 that was not properly reduced, in my experience.

For public consumption – EPA understands that the pollution benefits, based on analyses from forty year old data, and including other errors, needs to be recalculated. We also understand that the agency may have underestimated the costs of upgrading existing plants to new standards. Given the hundreds of millions of dollars of annual costs at stake, and questionable benefits, it is most appropriate to review standards that could have major negative impacts on rural America. For example, there is little evidence that control of the bottom ash processes will yield significant environmental benefits, according to industry comments.

With regard to the coal ash pond failures, EPA has already issued separate strict regulations (CCR) requiring unit integrity and regular inspections. This rulemaking is not needed to address that issue.

I am glad to add to this if interested.

Kevin Bromberg

Assistant Chief Counsel for Environmental Policy

SBA // Office of Advocacy

409 3rd St. SW, Washington, D.C. 20416

kevin.bromberg@sba.gov 202.481.2963

202.205.6964

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]
From: Forsgren, Lee
Sent: Tue 8/1/2017 9:58:56 PM
Subject: RE: Steam Electric Statement by Betsy Southerland - Suggested Reactions

I wasn't even going to respond to him on this but how you responded is fine.

From: Greenwalt, Sarah
Sent: Tuesday, August 1, 2017 5:57 PM
To: kevin.bromberg@sba.gov; Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: Steam Electric Statement by Betsy Southerland - Suggested Reactions

Thank you Kevin.

Sarah A. Greenwalt

Senior Advisor to the Administrator

for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722|Cell: 202-816-1388

Greenwalt.Sarah@epa.gov

From: Bromberg, Kevin L. [mailto:kevin.bromberg@sba.gov]
Sent: Tuesday, August 1, 2017 5:22 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject: Steam Electric Statement by Betsy Southerland - Suggested Reactions

"The new EPA Administrator already has repeals of 30 rules under consideration, one of which is the steam electric rule promulgated in 2015 after EPA spent years collecting data on power plants, millions of dollars conducting engineering and economic analyses of those data, and

months responding to extensive public comment. The final rule required for the first time that the highly toxic wastes of coal fired electric plants be treated rather than poured untreated into large holding ponds where the toxic chemicals seep into ground water and overflow into surface water, contaminating public water supplies and private wells and poisoning fish and wildlife. The objective of the 2015 rule is to prevent repeats of the many environmental catastrophes caused by the failure of power company coal ash ponds, the most recent being the 70 mile long Duke Energy spill into the Dan River of North Carolina."

Not for public consumption – EPA withheld the key benefits data from us during interagency review, so we couldn't reduce the highly inflated benefits projected by the staff analysis. This was the first time that EPA staff withheld the key effluent data from me in a review since at least 1995. We knew the results were inflated. The final rule results are considerably lower than the proposal benefits because of industry criticism. EPA regularly inflates proposals, and deflates them in the final rules. This is the first final rule since 1995 that was not properly reduced, in my experience.

For public consumption – EPA understands that the pollution benefits, based on analyses from forty year old data, and including other errors, needs to be recalculated. We also understand that the agency may have underestimated the costs of upgrading existing plants to new standards. Given the hundreds of millions of dollars of annual costs at stake, and questionable benefits, it is most appropriate to review standards that could have major negative impacts on rural America. For example, there is little evidence that control of the bottom ash processes will yield significant environmental benefits, according to industry comments.

With regard to the coal ash pond failures, EPA has already issued separate strict regulations (CCR) requiring unit integrity and regular inspections. This rulemaking is not needed to address that issue.

I am glad to add to this if interested.

Kevin Bromberg

Assistant Chief Counsel for Environmental Policy

SBA // Office of Advocacy

409 3rd St. SW, Washington, D.C. 20416

kevin.bromberg@sba.gov 202.481.2963

202.205.6964

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]
From: Forsgren, Lee
Sent: Tue 8/1/2017 9:33:32 PM
Subject: FW: Steam Electric Statement by Betsy Southerland - Suggested Reactions

Sarah,

It looks like Betsy took a pretty good shot on her way out.

"The new EPA Administrator already has repeals of 30 rules under consideration, one of which is the steam electric rule promulgated in 2015 after EPA spent years collecting data on power plants, millions of dollars conducting engineering and economic analyses of those data, and months responding to extensive public comment. The final rule required for the first time that the highly toxic wastes of coal fired electric plants be treated rather than poured untreated into large holding ponds where the toxic chemicals seep into ground water and overflow into surface water, contaminating public water supplies and private wells and poisoning fish and wildlife. The objective of the 2015 rule is to prevent repeats of the many environmental catastrophes caused by the failure of power company coal ash ponds, the most recent being the 70 mile long Duke Energy spill into the Dan River of North Carolina."

Lee

D. Lee Forsgren

Deputy Assistant Administrator

Office Of Water

Environmental Protection Agency

1200 Pennsylvania Avenue, VW

Room 3219 WJCE

Washington, DC 20460

Phone: 202-564-5700

Forsgren.Lee@epa.gov

To: Fotouhi, David[Fotouhi.David@epa.gov]
From: Schwab, Justin
Sent: Thur 11/9/2017 6:33:53 PM
Subject: FW: Center for Public Integrity: A behind-the-scenes look at Scott Pruitt's dysfunctional EPA, 11/9/17

From: Sparacino, Jessica
Sent: Thursday, November 9, 2017 10:54 AM
To: AO OPA OMR CLIPS <AO_OPA_OMR_CLIPS@epa.gov>
Subject: Center for Public Integrity: A behind-the-scenes look at Scott Pruitt's dysfunctional EPA, 11/9/17

Center for Public Integrity

https://www.publicintegrity.org/2017/11/09/21275/behind-scenes-look-scott-pruitts-dysfunctional-epa

A behind-the-scenes look at Scott Pruitt's dysfunctional EPA

By: Rachel Leven, 11/9/17

Environmental Protection Agency Administrator Scott Pruitt doesn't hide his contempt for how the agency has been run, but does profess to care about one of its key programs: Superfund, which oversees the cleanup of the nation's worst toxic-waste sites. In April, he toured a site in East Chicago, Indiana, contaminated with lead and arsenic, and told residents, "We are going to get this right."

The following month, Pruitt — Oklahoma's attorney general before he joined the EPA — tapped one of his former donors, banker Albert "Kell" Kelly, to find ways to accelerate and improve Superfund cleanups. Kelly started by consulting career staff members — often-knowledgeable officials who work at the agency regardless of who holds the White House. But then Kelly closed off the process, conferring with Pruitt to produce a final plan that altered or excluded many of the staffers' suggestions. Gone, for example, was the idea that EPA officials be identified early on to lead discussions with communities on how contaminated land should be used after cleanup.

“We’re missing a huge opportunity to do something new and different with Superfund,” said one of two EPA employees who described the process to the Center for Public Integrity on the condition of anonymity.

What happened with Superfund is hardly an anomaly. Today’s EPA is wracked with internal conflict and industry influence, and is struggling to fulfill its mission, according to more than two dozen current and former agency employees. A few dozen political appointees brought in under the Trump administration are driving policy. At least 16 of the 45 appointees worked for industries such as oil, coal and chemicals. Four of these people — and another 21 — worked for, or donated to, politicians who have questioned established climate science, such as Pruitt and Sen. James Inhofe, R-Okla.

Career staff members — lawyers, scientists, analysts — are largely being frozen out of decision-making, current and former agency employees say. These staffers rarely get face time with Pruitt and frequently receive top-down orders from political appointees with little room for debate. They must sometimes force their way into conversations about subjects in which they have expertise.

And that is a big mistake, said one of Pruitt’s predecessors.

Career employees are “very dedicated to protecting human health and the environment, and they will change their ways of how they do that if they’re convinced you really want to accomplish that aim,” said Christine Todd Whitman, EPA administrator under President George W. Bush.

One such employee agreed. “I think it’s the fact that we’re not following regular procedures, we’re not sure of what the legal justification is for some of the things they’re asking us to do. We’re just kind of being told ‘Do the opposite thing you did 18 months ago.’ That’s hard to swallow.”

The EPA staffers who spoke to the Center say the isolation of Pruitt’s top staff from the rest of the agency limits the perspectives the administrator is exposed to before making decisions. Two appointment calendars, covering a six-month period beginning in March, show that Pruitt hears

overwhelmingly from industry. He was scheduled to meet 154 times during the period with officials from companies such as ExxonMobil and trade associations such as the American Petroleum Institute, the oil industry's biggest lobby group. API was among at least 17 donors to Pruitt when he ran for state or federal office or led the Republican Attorneys General Association that have met with him as EPA administrator. Those same calendars indicate he saw only three groups representing environmental or public-health interests, though an EPA press release says he met with two others.

EPA spokeswoman Liz Bowman disputed claims that the roughly 15,000-person agency is riven with discord. Career employees are "vital" to the EPA's work and meet regularly with political appointees and the administrator, she said, citing ongoing deliberations on a water-pollution rule as an example. (Two career employees who spoke to the Center at Bowman's request confirmed that they routinely work with political appointees and did so on the water rule.)

"We talk to people throughout the regions, the states, the career staff and a variety of different perspectives prior to making decisions," Bowman said, adding in an email that "we follow the Administrative Procedure Act in our regulatory process, meaning taking into consideration comments submitted by ALL commenters, including environmental NGOs, the public, and other commenters."

For the public, much is at stake. Under Pruitt, who sued the EPA 14 times as Oklahoma's attorney general, the agency already has declined to ban a pesticide linked to neurological damage in children; frozen requirements to reduce water pollution from coal-fired power plants and opened the door to loosening limits on toxic coal waste. The EPA most recently proposed eliminating the Clean Power Plan, an Obama administration rule aimed at reducing carbon emissions in the power sector.

"These rules [being rolled back] aren't perfect by any stretch of the imagination. There are ways to improve things," said Gordon Binder, who served as chief of staff for then-EPA Administrator William Reilly under President George H.W. Bush. "But Pruitt's come in with a flyswatter and is slapping them down instead of laying out the problems with a rule and saying, 'How can we fix it?'"

Most of the 46 political appointees working at EPA previously worked for climate change doubters or industry

Who's running the EPA?

There's a striking absence of high-level leadership at the EPA. Only one of 13 positions requiring Senate confirmation — Pruitt's — is filled. These positions — higher-ranking than those held by the 45 political appointees — include leaders of key agency offices that oversee air, water and other programs. Six people have been nominated for the 12 open slots and are awaiting confirmation (although two of them have joined the EPA in the meantime as senior advisers).

Most major decisions are made on the third floor of the William Jefferson Clinton South Building on Pennsylvania Avenue, where Pruitt and his handful of confidants have their offices. Among those who most prominently have Pruitt's ear: EPA Chief of Staff Ryan Jackson, who previously held the same position with Inhofe, and Samantha Dravis, who worked with Pruitt at the Republican Attorneys General Association and now leads the EPA's Office of Policy.

Dravis, widely seen as Pruitt's closest adviser, came to the agency with a background in law and politics but little environmental experience. That's a departure from her two immediate predecessors, who were already at the EPA when they were tapped to lead the policy office.

Jackson helped Inhofe negotiate major bipartisan deals in the Senate, such as the passage of federal chemical-policy reform. Still, emails released under the Freedom of Information Act to The New York Times show that Jackson directed career staff to deny a petition seeking to ban chlorpyrifos, a pesticide suspected of harming children's brains, directly contradicting the recommendations of EPA scientists.

Bowman said in an email that career staff were "instrumental" in drafting the denial. The former acting head of the EPA's chemicals office, a career employee who left the agency last month, told the Times she opposed the decision, even as she followed Jackson's instructions.

Other influential political appointees include Sarah Greenwalt, senior adviser to the Office of the Administrator, who worked for Pruitt when he was Oklahoma's attorney general; Bowman, head of public affairs, who came from the American Chemistry Council, a chemical-industry trade

group; and Mandy Gunasekara, a senior policy adviser who worked on the Republican staff of the Senate Environment and Public Works Committee.

Nine career staff members told the Center their opinions seem to hold little weight. They are excluded from meetings, they say, and their advice on agency operations is often disregarded. Some believe this is because of the flurry of leaks that have come from inside the agency since Pruitt took office. Political appointees have lashed out at suspected leakers and relieved them of work assignments, even in the absence of proof, career employees said.

"They are terrified of career staff leaking," one said. "And once they get an idea in their head [about] someone, they won't change it."

Bowman said, "Those concerns have not been brought to our attention. And if they are we will do everything we can to address them."

Pruitt has broken with tradition by foregoing many introductory briefings with career staff designed to help new administrators set priorities, several current and former employees said. Instead, he's worked to roll back EPA rules, an effort that also diverges from common practice.

Political appointees are taking more of a hands-on role in tasks career employees previously would have handled. Take, for example, a recent notice announcing EPA plans to reconsider whether certain vehicle-emission standards for greenhouse gases were too strict. Career staff had drafted a concise version of the notice, but appointees expanded the number of vehicles affected by the review and made the Department of Transportation the lead agency on the decision, despite the EPA's legal obligations to control planet-warming emissions under the Clean Air Act.

"This was a much more major re-write" than would have happened under previous administrations, said an EPA employee familiar with the matter. "At least one plausible outcome of this process," the employee said, "is that the EPA would unilaterally abdicate its [legal] responsibility."

On the rare occasions when career employees are asked to brief Pruitt, he seems unwilling to change his anti-regulatory posture on major industry priorities, according to some career employees. Betsy Southerland, who headed an office within the EPA's water program until August, said her team met with Pruitt twice about a rule designed to limit wastewater discharges from power plants as he considered weakening parts of it.

The team told Pruitt that industry arguments against the rule already had been considered and found to be inaccurate. They offered more nuanced actions the administrator could take to address concerns expressed by the Small Business Administration, a separate federal agency; and the Utility Water Act Group, a lobbying organization. Pruitt was unmoved, she said. In August, the EPA announced it would reconsider key parts of the rule.

"You get the feeling that his mind was made up before we started the briefing process," Southerland said. "It looked like he was kind of checking the box to meet with us." The Times found similar behavior by Pruitt when the EPA declined to ban chlorpyrifos. Pruitt didn't follow agency scientists' advice, having "promised farming industry executives who wanted to keep using the pesticide that it is 'a new day and a new future,'" the Times reported.

These episodes could simply reflect inexperience — appointees struggling to figure out the agency they lead. They also could reflect pressure placed on the EPA by executive orders and presidential memoranda to act quickly on big-ticket issues like the Clean Power Plan.

But Pruitt's pro-industry bent has convinced some current and former employees that he and his like-minded advisers are aiming to destroy the EPA from the inside.

"Look, I think he does not support what the agency has been trying to do for 40 years," said William Ruckelshaus, EPA administrator under Presidents Richard Nixon and Ronald Reagan. "He wants to dismantle — not improve or reform — the regulatory system for protecting public health and the environment."

—

Jessica Sparacino

US Environmental Protection Agency

Office of Public Affairs Intern

(202) 564-5327

WJCN 2502J

To: Fotouhi, David[fotouhi.david@epa.gov]
From: Greenwalt, Sarah
Sent: Wed 8/2/2017 2:57:15 PM
Subject: Fwd: Media Coverage re: EPA Employee Farewell Email

Sent from my iPhone

Begin forwarded message:

From: "Bowman, Liz" <Bowman.Liz@epa.gov>
Date: July 31, 2017 at 6:11:32 PM EDT
To: "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>
Subject: RE: Media Coverage re: EPA Employee Farewell Email

I don't disagree, but give me a call and happy to discuss

From: Greenwalt, Sarah
Sent: Monday, July 31, 2017 5:39 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Media Coverage re: EPA Employee Farewell Email

I think the first sentence is a little much. Brings us down to her level in my opinion.

Sarah A. Greenwalt

Senior Advisor to the Administrator

for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722|Cell: 202-816-1388

Greenwalt.Sarah@epa.gov

From: Bowman, Liz
Sent: Monday, July 31, 2017 3:32 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Yamada, Richard (Yujiro) <yamada.richard@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: Media Coverage re: EPA Employee Farewell Email

All – We want to flag for you another resignation letter taking swings on their way out. The following is the quote that Jahan used to respond to this, and we are pulling together other additional information to use to push back. With the buyouts, I think these types of stories are going to continue, and we might need to develop a generic response to responding to people take shots on their way out the door. Bringing this to your attention b/c it's getting coverage in the Washington Post, and because it's someone from Science/Technology office in the Office of Water. Please let us know if you have additional thoughts. Thanks -- Liz

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

From: Davidson, Joe [mailto:joe.davidson@washpost.com]
Sent: Monday, July 31, 2017 12:55 PM
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

To: Fotouhi, David[fotouhi.david@epa.gov]
From: Greenwalt, Sarah
Sent: Tue 8/1/2017 9:23:21 PM
Subject: FW: Steam Electric Statement by Betsy Southerland - Suggested Reactions

Sarah A. Greenwalt

Senior Advisor to the Administrator

for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722|Cell: 202-816-1388

Greenwalt.Sarah@epa.gov

From: Bromberg, Kevin L. [mailto:kevin.bromberg@sba.gov]
Sent: Tuesday, August 1, 2017 5:22 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject: Steam Electric Statement by Betsy Southerland - Suggested Reactions

"The new EPA Administrator already has repeals of 30 rules under consideration, one of which is the steam electric rule promulgated in 2015 after EPA spent years collecting data on power plants, millions of dollars conducting engineering and economic analyses of those data, and months responding to extensive public comment. The final rule required for the first time that the highly toxic wastes of coal fired electric plants be treated rather than poured untreated into large holding ponds where the toxic chemicals seep into ground water and overflow into surface water, contaminating public water supplies and private wells and poisoning fish and wildlife. The objective of the 2015 rule is to prevent repeats of the many environmental catastrophes caused by the failure of power company coal ash ponds, the most recent being the 70 mile long Duke Energy spill into the Dan River of North Carolina."

Not for public consumption – EPA withheld the key benefits data from us during interagency

review, so we couldn't reduce the highly inflated benefits projected by the staff analysis. This was the first time that EPA staff withheld the key effluent data from me in a review since at least 1995. We knew the results were inflated. The final rule results are considerably lower than the proposal benefits because of industry criticism. EPA regularly inflates proposals, and deflates them in the final rules. This is the first final rule since 1995 that was not properly reduced, in my experience.

For public consumption – EPA understands that the pollution benefits, based on analyses from forty year old data, and including other errors, needs to be recalculated. We also understand that the agency may have underestimated the costs of upgrading existing plants to new standards. Given the hundreds of millions of dollars of annual costs at stake, and questionable benefits, it is most appropriate to review standards that could have major negative impacts on rural America. For example, there is little evidence that control of the bottom ash processes will yield significant environmental benefits, according to industry comments.

With regard to the coal ash pond failures, EPA has already issued separate strict regulations (CCR) requiring unit integrity and regular inspections. This rulemaking is not needed to address that issue.

I am glad to add to this if interested.

Kevin Bromberg

Assistant Chief Counsel for Environmental Policy

SBA // Office of Advocacy

409 3rd St. SW, Washington, D.C. 20416

kevin.bromberg@sba.gov 202.481.2963

202.205.6964

U.S. SMALL BUSINESS ADMINISTRATION

OFFICE OF ADVOCACY

REGULATION • RESEARCH • OUTREACH

To: Fotouhi, David[fotouhi.david@epa.gov]
From: Greenwalt, Sarah
Sent: Mon 7/31/2017 9:37:52 PM
Subject: FW: Media Coverage re: EPA Employee Farewell Email

Sarah A. Greenwalt

Senior Advisor to the Administrator

for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722|Cell: 202-816-1388

Greenwalt.Sarah@epa.gov

From: Bowman, Liz
Sent: Monday, July 31, 2017 3:32 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Yamada, Richard (Yujiro) <yamada.richard@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: Media Coverage re: EPA Employee Farewell Email

All – We want to flag for you another resignation letter taking swings on their way out. The following is the quote that Jahan used to respond to this, and we are pulling together other additional information to use to push back. With the buyouts, I think these types of stories are going to continue, and we might need to develop a generic response to responding to people take shots on their way out the door. Bringing this to your attention b/c it's getting coverage in the Washington Post, and because it's someone from Science/Technology office in the Office of Water. Please let us know if you have additional thoughts. Thanks -- Liz

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth

Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

From: Davidson, Joe [mailto:joe.davidson@washpost.com]
Sent: Monday, July 31, 2017 12:55 PM
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and

reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]
From: Fotouhi, David
Sent: Wed 8/2/2017 2:47:47 PM
Subject: Fwd: Inside EPA: Top EPA Official Departs, Citing Concerns Over Trump's Deregulatory Agenda, 8/2/17

Sent from my iPhone

Begin forwarded message:

From: "Sparacino, Jessica" <sparacino.jessica@epa.gov>
Date: August 2, 2017 at 10:19:04 AM EDT
To: AO OPA OMR CLIPS <AO_OPA_OMR_CLIPS@epa.gov>
Subject: Inside EPA: Top EPA Official Departs, Citing Concerns Over Trump's Deregulatory Agenda, 8/2/17

Inside EPA

https://insideepa.com/daily-news/top-epa-official-departs-citing-concerns-over-trumps-deregulatory-agenda

Top EPA Official Departs, Citing Concerns Over Trump's Deregulatory Agenda

By: Amanda Palleschi, 8/1/17

Dr. Betsy Southerland, who has served in top positions in EPA's water and Superfund offices, has left the agency after decades, citing concerns with the Trump administration's deregulatory agenda and its proposed budget cuts, as well as "fake" claims from Administrator Scott Pruitt and other top officials that the agency's rules are responsible for economic and other hardships.

"Looking back over my 40-year career in environmental protection, what jumps out is that sooner or later, requirements and practices for the 'right thing' for the environment take hold and the claims of 'hoax' and 'fake news' fall by the wayside," Southerland, who served most recently as director of the water office's Office of Science and Technology (OST), **writes in a memo** distributed Aug. 1 by Public Employees for Environmental Responsibility (PEER), a group that represents federal whistleblowers.

"Today the environmental field is suffering from the temporary triumph of myth over truth," she says. But, Southerland adds, "The truth is there is NO war on coal, there is NO economic crisis caused by environmental protection, and climate change IS caused by man's activities."

EPA spokesman Jahan Wilcox said in a statement: "It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water."

Southerland is one of a number of senior officials who have left the agency since the start of the year, citing concerns with the administration's deregulatory agenda and attitudes toward climate change. Earlier this year, for example, Michael Cox, a former Region 10 Superfund official, left the agency citing Pruitt's denial of "fundamental" climate science.

"It was surprising, no shocking, when you stated on National television that carbon dioxide is not a primary contributor to climate change. This is settled science and we have too many other important scientific issues to investigate related to climate change to waste our time debating this issue," he wrote in **a letter to Pruitt**.

He has since **raised concerns** that administration efforts to discount concerns about climate change could undercut the resiliency of some costly Superfund cleanups.

Kyla Bennett, New England PEER director, said in a statement that Southerland's departure is part of a trend of "principled professionals" who have previously served as career-level officials in both Democratic and Republican administrations being asked by Pruitt "to betray, rather than serve, the public interest by remaining at EPA."

"Compounding growing problems inside EPA is an autocratic and secretive Pruitt management style in which he declines to meet directly with non-political staff, refuses to use email so as to not create any record, and issues orders to create decisions documents at odds with the overwhelming weight of evidence," she wrote.

Public Steps

Southerland does not address such issues in her departure memo, criticizing instead a series of public steps Pruitt and other officials are taking to roll back EPA rules and cut its budget.

For example, she recalls Pruitt's **first address** to EPA staff, which, "admonished us for acting outside legal mandates and running roughshod over states' rights. The Administrator subsequently assured the states that he will initiate a cooperative federalism approach in which the power to govern is finally shared between EPA and the states."

But, Southerland says, "EPA has always followed a cooperative federalism approach since most environmental programs are delegated to states and tribes who carry out the majority of monitoring, permitting, inspections, and enforcement actions."

Similarly, she notes that the Trump administration's fiscal year 2018 budget proposal's "draconian cuts" to the EPA will make it nearly impossible for the states to carry out the "new federalism" Pruitt envisions: "If they want to maintain their current level of monitoring, permitting, inspections, and enforcement, states will have to increase taxes and establish new user fees."

"Even if they are able to do this over time, the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies," she adds.

Further, the budget cuts, combined with the potential repeal of existing regulations and "science documents" is not in the spirit of "cooperative federalism" Pruitt claims, she argues. "It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations."

"When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters' bills they will ask

their residents to take on," Southerland concludes. "The best case for our children and grandchildren is that they will pay the polluters' bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland also raises concerns about Trump's so-called "2-for-1" executive order (EO) for agencies to identify two rules for repeal for every new rule proposed, noting that in order to implement the EO, EPA staff "will have to choose which Congressional law to ignore, and face litigation through costly citizen suits."

"This poses a real Sophie's choice for public health agencies like EPA. Should EPA repeal two existing rules protecting infants from neurotoxins in order to promulgate a new rule protecting adults from a newly discovered liver toxin?" she writes. "Faced with such painful choices, the best possible outcome for the American people would be regulatory paralysis where no new rules are released so that existing protections remain in place."

Unfortunately, Southerland says, the administration is also targeting existing rules directly as part of its separate and broader effort to repeal, replace or modify existing regulations. "Any environmental protection rule promulgated at any time in the past may be repealed by this administration, as well as any science or technical document ever published by EPA," she says, noting that Pruitt "already has repeals of 30 rules under consideration."

One of those is the effluent limitation guideline for power plants, a rule her office played a leading role in promulgating in 2015 during the Obama administration. The measure was promulgated after EPA "spent years collecting data on power plants, millions of dollars conducting engineering and economic analyses of those data, and months responding to extensive public comment."

For the first time it required "highly toxic wastes of coal fired electric plants be treated rather than poured untreated into large holding ponds where the toxic chemicals seep into ground water and overflow into surface water, contaminating public water supplies and private wells and poisoning fish and wildlife." She said the rule is now threatened even though it is intended to "prevent repeats of the many environmental catastrophes caused by the failure of power company coal ash ponds, the most recent being the 70 mile long Duke Energy spill into the Dan River of North Carolina."

While Southerland is pessimistic about the short-term impact of the Trump administration's efforts, she says that ultimately she believes the agency's regulations and mission will be preserved. “It may take a few years and even an environmental disaster, but I am confident that Congress and the courts will eventually restore all the environmental protections repealed by this administration because the majority of the American people recognize that this protection of public health and safety is right and it is just.”

___

Jessica Sparacino

US Environmental Protection Agency

Office of Public Affairs Intern

(202) 564-5327

WJCN 2502J

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]
From: Fotouhi, David
Sent: Mon 7/31/2017 10:00:09 PM
Subject: Re: Media Coverage re: EPA Employee Farewell Email

Wow

Sent from my iPhone

On Jul 31, 2017, at 5:37 PM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

Sarah A. Greenwalt

Senior Advisor to the Administrator

for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722|Cell: 202-816-1388

Greenwalt.Sarah@epa.gov

From: Bowman, Liz
Sent: Monday, July 31, 2017 3:32 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Yamada, Richard (Yujiro) <yamada.richard@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: Media Coverage re: EPA Employee Farewell Email

All – We want to flag for you another resignation letter taking swings on their way out. The following is the quote that Jahan used to respond to this, and we are pulling together other additional information to use to push back. With the buyouts, I think these types of stories are going to continue, and we might need to develop a generic response to responding to people take shots on their way out the door. Bringing this to your attention b/c it's getting coverage in the Washington Post, and

because it's someone from Science/Technology office in the Office of Water. Please let us know if you have additional thoughts. Thanks -- Liz

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

From: Davidson, Joe [mailto:joe.davidson@washpost.com]
Sent: Monday, July 31, 2017 12:55 PM
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased

state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Graham, Amy[graham.amy@epa.gov]
From: Devin Henry
Sent: Fri 8/4/2017 7:16:41 PM
Subject: Re: Schnare, Southerland letters, etc.

Thanks, Jahan. Appreciate the help and the context.
-Devin

On Fri, Aug 4, 2017 at 2:43 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

ON-THE-RECORD: "It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her six-figure government pension. Last year, Southerland made $249,000 and we're going to redirect that money, back to our core mission of protecting the environment." - EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

I believe the Census Bureau has reported that the average American makes $50,000.

In 2016, Elizabeth Southerland made $249,000. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is

dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

From: Devin Henry [mailto:dhenry@thehill.com]
Sent: Friday, August 4, 2017 12:20 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Press <Press@epa.gov>
Subject: Schnare, Southerland letters, etc.

Hey Jahan, happy Friday, and recess.

I'm doing a story for the weekend on the amount of public dissent we've seen from career folks within the Trump administration, not just the EPA. But I am mentioning the Schnare and Southerland messages that have come out in the last couple weeks, so I wanted to get a reaction from you.

Beyond individual reactions to these two messages, is there concern within the EPA about such missives from transition officials or retiring employees? Is it contributing to morale issues, or worry among political appointee staff that it could hurt some of the work you're trying to get done?

Let me know if you have anything you want to add. Like I said, this is not based around EPA alone, but since you're in there I wanted to ask.

Thanks.

-Devin

--

Devin Henry

Staff Writer, The Hill

P: (202) 349-8127

C: (952) 913-7254

Twitter: @dhenry

--
Devin Henry
Staff Writer, The Hill
P: (202) 349-8127
C: (952) 913-7254
Twitter: @dhenry

To: Devin Henry[dhenry@thehill.com]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Graham, Amy[graham.amy@epa.gov]
From: Wilcox, Jahan
Sent: Fri 8/4/2017 6:43:19 PM
Subject: RE: Schnare, Southerland letters, etc.

ON-THE-RECORD: "It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her six-figure government pension. Last year, Southerland made $249,000 and we're going to redirect that money, back to our core mission of protecting the environment." - EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

I believe the Census Bureau has reported that the average American makes $50,000.

In 2016, Elizabeth Southerland made $249,000. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday —

even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

From: Devin Henry [mailto:dhenry@thehill.com]
Sent: Friday, August 4, 2017 12:20 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Press <Press@epa.gov>
Subject: Schnare, Southerland letters, etc.

Hey Jahan, happy Friday, and recess.

I'm doing a story for the weekend on the amount of public dissent we've seen from career folks within the Trump administration, not just the EPA. But I am mentioning the Schnare and Southerland messages that have come out in the last couple weeks, so I wanted to get a reaction from you.

Beyond individual reactions to these two messages, is there concern within the EPA about such missives from transition officials or retiring employees? Is it contributing to morale issues, or worry among political appointee staff that it could hurt some of the work you're trying to get done?

Let me know if you have anything you want to add. Like I said, this is not based around EPA alone, but since you're in there I wanted to ask.

Thanks.

-Devin

--

Devin Henry

Staff Writer, The Hill

P: (202) 349-8127

C: (952) 913-7254

Twitter: @dhenry

To: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]
From: Dominguez, Alexander
Sent: Mon 10/23/2017 2:04:52 PM
Subject: FW: POLITICO's Morning Energy, presented by Chevron: Senate takes up massive disaster aid package — Pruitt science adviser directive coming — Interior political appointee lands new responsibilities

---

From: Morning Energy
Sent: Monday, October 23, 2017 10:03:33 AM (UTC-05:00) Eastern Time (US & Canada)
To: Dominguez, Alexander
Subject: POLITICO's Morning Energy, presented by Chevron: Senate takes up massive disaster aid package — Pruitt science adviser directive coming — Interior political appointee lands new responsibilities

By Anthony Adragna | 10/23/2017 10:00 AM EDT

With help from Esther Whieldon, Tim Starks and Darius Dixon

CONGRESS MOVING ON DISASTER AID: The Senate takes the first procedural step today toward getting additional resources to Puerto Rico - more than a month after Hurricane Maria hit - even as 80 percent of the island remains without power and 30 percent lacks clean drinking water. The House-passed $36.5 billion disaster aid package H.R. 2266 (115) includes nearly $19 billion for FEMA while also providing a much needed cash infusion to the National Flood Insurance Program's borrowing capacity. It's expected to pass by Wednesday after Senate Majority Whip John Cornyn received a commitment that additional hurricane aid for his state of Texas would come in a subsequent bill, removing one of the largest obstacles to passage.

Calls for an emergency response CEO: Calling the long delays in restoring electricity and clean water "unconscionable," Senate Minority Leader Chuck Schumer, along with Reps. Nydia Velazquez and Jose Serrano , are asking President Donald Trump to appoint a CEO of response and recovery to help coordinate the government's response. "This person will have the ability to bring all the federal agencies together, cut red tape on the public and private side, help turn the lights back on, get clean water flowing and help bring about recovery for millions of Americans who have gone too long in some of the worst conditions," Schumer said in a statement. He called for the person to have a "direct line" to Trump.

And time is of the essence: Thousands of low-income properties across the island may no longer be able to meet legal standards for housing assistance if power cannot be restored soon, Pro Financial Services' Lorraine Woellert reports. "Due to the ongoing and unique circumstances in Puerto Rico, we're reviewing every available option to assist residents during this difficult time," HUD spokesman Brian Sullivan said.

Presidents tout fundraising: The five living former presidents announced Saturday they'd raised $31 million in private funds from over 80,000 donors to help hurricane recovery in Texas,

Florida, Puerto Rico and other areas. ME will admit to having Lin-Manuel Miranda's benefit song stuck in his head.

WELCOME TO MONDAY! I'm your host Anthony Adragna, and Andeavor's Stephen Brown was first to identify Rep. Chris Stewart as the author of Elizabeth Smart's book. For today: How many states have just one congressman? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

ON TAP THIS WEEK - PRUITT'S LATEST DIRECTIVE: The timing isn't exactly clear yet, but look for EPA Administrator Scott Pruitt to issue a directive limiting scientists who receive agency research grants from being able to serve on its various advisory boards. "If we have individuals that are on those boards that are receiving money from the agency, sometimes going back years and years to the tune of literally tens of millions of dollars, over time, that to me causes questions on the independence and the veracity of the transparency of the recommendations that are coming our way," Pruitt said in an interview posted Friday by the Heritage Foundation's Daily Signal. It's unclear if the same restrictions would apply to scientists that receive funding from industry groups regulated by EPA.

Pruitt's view on environmentalism: "True environmentalism from my perspective is using natural resources that God has blessed us with to feed the world, to power the world with the sensitivity that future generations cultivate, to harvest, to be respectful good stewards, good managers of our natural resources, to bequeath those natural resources for the next generation."

WORTH A READ: The New York Times looks at how the arrival of Nancy Beck, a former American Chemistry Council executive, at EPA has led to weaker chemical regulation that may result in the "underestimation of the potential risks to human health and the environment." Beck returned from the private sector in May after receiving an ethics waiver and began pressing right away for changes to chemical regulations long-sought by industry. "It was a clear demonstration this administration has been captured by the industry," said Elizabeth Southerland, an Office of Water employee who retired in July.

EPA's eyebrow-raising response: "No matter how much information we give you, you would never write a fair piece. The only thing inappropriate and biased is your continued fixation on writing elitist clickbait trying to attack qualified professionals committed to serving their country," Liz Bowman, a spokeswoman for the agency who worked at the American Chemistry Council before joining the administration, said in an email to the newspaper.

CLIMATE DATA PUSH GROWS: Seventeen cities around the U.S., including New Orleans, Atlanta and Boston, are now hosting climate change data that EPA has removed from its website, Chicago Mayor Rahm Emanuel announced. "While the Trump administration buries their heads deeper in the sand when it comes to climate change, local leaders from across the country continue to confront the challenge head-on," he said. Chicago wants to expand its site to include an open-sourced repository of new scientific research.

ARE YOU A YES PERSON OR A NOPR-SON? If you have any thought on the Energy

Department's grid resilience pricing proposal, you're just about out of time. FERC set a deadline on initial comments for today - less than a month after the rule was filed with regulators. The deadline for reply comments is Nov. 7, two weeks from Tuesday. If you've misplaced FERC's list of questions, here it is.

Days for FERC to take a "final action": 49

MANY A TARGET: The Homeland Security Department and the FBI issued a joint warning about a sophisticated hacking campaign that has targeted the energy, nuclear, water, aviation and manufacturing sectors. The targets include both governments and other organizations. Although the alert, issued late last week, doesn't identify the nationality of the attackers, it does reflect a Symantec report from last month where the company found similarities between those attackers and a campaign that U.S. officials tied to Russia.

"This campaign comprises two distinct categories of victims: staging and intended targets. The initial victims are peripheral organizations such as trusted third party suppliers with less secure networks," the joint DHS-FBI report states. "The threat actor uses the staging targets' networks as pivot points and malware repositories when targeting their final intended victims. The ultimate objective of the cyber threat actors is to compromise organizational networks."

** **A message from Chevron:** When an endangered butterfly was found near a Chevron refinery, we protected the habitat and still plant the only thing they eat-buckwheat. Watch the video: http://politi.co/2gyQXsp **

TWO HOUSE BILLS OF NOTE: Lawmakers are expected to vote on two bills of interest to ME readers this week. One, H.R. 732 (115), would bar federal agencies from requiring defendants to donate money to outside groups as part of federal government settlements. The other, H.R. 469 (115) , would place various limitations on the use of federal consent decrees that frequently require new regulatory actions. The House Rules Committee meets today at 5 p.m. to consider how to structure debate on both bills.

SECOND TIME'S THE CHARM? After winning the support of Sen. Joni Ernst for Trump's pick to run the EPA air office, the Senate Environment and Public Works Committee will try again on Wednesday to move a host of nominees. On deck is the highly controversial selection of Bill Wehrum to run the air office and Michael Dourson's selection for EPA chemicals chief, as well as the less contentious picks of David Ross as head of the EPA water office, Matthew Leopold for EPA general counsel, Jeff Baran's re-nomination to the NRC and Paul Trombino's selection to be administrator of the FHWA.

CELEBRATION FROM BIOFUEL BACKERS: Pruitt's letter Thursday making major concessions on the Renewable Fuel Standard led to sighs of relief from biofuel backers but frustration from oil refiners, Pro's Eric Wolff reports. "[Pruitt] didn't kick tires on changing the RFS, he tried to take a baseball bat to the program, and the response was matching and in response to, from a magnitude perspective, to the initial foul," Brooke Coleman, head of the industry lobby group Advanced Biofuels Business Council, said.

That's not how refiners felt: "Some Midwesterners cannot accept any premise that the RFS could be improved. As a result, their overreaction included everything from holds on confirmations to even more personal threats launched at the White House and EPA," one refining source told Eric.

Help wanted: Meanwhile, Pennsylvania Gov. Tom Wolf sent Trump a letter Friday asking him to take steps to help Northeast refiners deal with the high costs associated with compliance credits, known as RINs. "I specially request that you ask Administrator Pruitt to waive the renewable volume obligation for Northeast refiners until or unless the market prices deflate," Wolf wrote.

PRUITT VISITS NEBRASKA: Continuing his state visits, Pruitt stopped by Nebraska Friday where he met with Gov. Pete Ricketts and other officials to discuss the agency's efforts to revamp the Waters of the U.S. regulation. "In his work of rolling back the old rule and writing a new one, Pruitt is returning power to the states and protecting the rights of our farm families and small business owners," Ricketts said. Afterwards, Pruitt hit up Omaha where he met with officials from railroad giant Union Pacific about the agency's agenda.

BLM ANNOUNCES SAGE GROUSE PUBLIC MEETINGS: The Bureau of Land Management will hold a series of public meetings in Idaho, Colorado, California and Oregon in November on potential changes to plans for protecting greater sage grouse habitat. The meetings will be in Idaho on Nov. 2, 6 and 7, in California on Nov. 3, in Oregon on Nov. 7, and in Colorado on Nov. 9. The sage grouse plans involve 10 Western states, so BLM may announce more meetings in the weeks ahead and it will accept emailed comments through either Nov. 27 or 15 days after the last public meeting, whichever is later. The agency created the plans in 2015 under an agreement with states in lieu of listing the bird as either endangered or threatened under the Endangered Species Act but re-opened them at Zinke's bidding.

WESTERN VALUES PROJECT SUES FOR SAGE GROUSE RECORDS: The Montana-based Western Values Project, which focuses on public land issues, is suing Interior to release copies of emails between Zinke, members of his sage grouse review team and oil and gas groups to determine the extent to which they were able to influence the agency's decision to reshape the sage grouse plans and guidance on energy development.

ME FIRST -- INTERIOR BEEFS UP BLM, BOEM SENIOR STAFF OVER NOMINEE DELAY: The Interior Department last week quietly assigned a senior political staffer to lend an extra hand overseeing the agencies that are key to carrying out the administration's energy goals until the Senate confirms Joe Balash as secretary for land and minerals management.

In Secretarial order No. 3357 dated Oct. 17, Deputy Secretary David Bernhardt said there is a "an immediate need for additional executive level supervision and direction" over the Bureau of Land Management, Bureau of Ocean Energy Management, Bureau of Safety and Environmental Enforcement and the Office of Surface Mining Reclamation and Enforcement and assigned Aurelia Skipwith, the deputy assistant secretary for fish, wildlife and parks; to help out.

Balash's nomination easily cleared the Senate Energy and Natural Resources Committee in

September with a voice vote but Interior spokeswoman Heather Swift in an emailed statement accused Senate Democrats of dragging their feet on the nomination. "Rather than let that slow our progress, we are utilizing team members across the bureaus to move the ball forward for the American people," she said. In related news, Virginia Johnson, an Interior beachhead staffer and principle deputy secretary for fish wildlife and parks in July left for a job at the USO, according to her LinkedIn profile, and Interior earlier this month announced Jason Larrabee has been assigned that role. He is listed as acting assistant secretary on his LinkedIn profile.

HANNITY V. INGRAHAM ON SOLAR TARIFFS: Whether to slap cheap imported solar equipment with tariffs has split Laura Ingraham and fellow Fox News host Sean Hannity, Pro's Eric Wolff reports. Ingraham said on her radio show Friday that "Chinese manipulation of the solar market has hurt U.S. manufacturers" and urged Trump to hit back with steep tariffs. But Hannity has made an ad warning that Suniva and SolarWorld are trying to manipulate U.S. trade laws and pointing out that both had foreign owners. "American taxpayers should not have to bail out one foreign company so another foreign company can get a payout," he said.

NO MINCING WORDS HERE: Russian President Vladimir Putin bashed efforts by some European nations, Poland and Denmark chief among them, to block two Russian gas pipelines, POLITICO Europe's David M. Herszenhorn reports. "Attempts are being made to create obstacles in the way of our efforts to forge new energy routes - South Stream and Nord Stream - even though diversifying logistics is economically efficient, beneficial for Europe and promotes its security," Putin said in a speech at the Valdai Discussion Club.

SIGNED, SEALED, DELIVERED: The Bureau of Ocean Energy Management approved a key step of Deepwater Wind's 144-megawatt Revolution Wind project that will enable the company to collect the biological and wind performance data it needs to file a construction plan, Pro's Esther Whieldon reports. Massachusetts is slated to pick the winning contracts in July, and Deepwater Wind has said it could bring the project online by the end of 2023.

FRIESS WON'T RULE OUT BARRASSO CHALLENGE: Wealthy GOP megadonor Foster Friess tells Fox Business he won't raise money to pick off Republican incumbents, but he's not ruling out launching a bid to unseat Wyoming Sen. John Barrasso. "Better messaging, return of civility and untangling the health care logjam are my motivation; not that I am hell bent on replacing John Barrasso," he said.

Not amused: During an appearance on "Fox News Sunday," Senate Majority Leader Mitch McConnell referred to Steve Bannon and others not backing GOP incumbents as "specialists at nominating people who lose, and that isn't going to help President Trump achieve his agenda," POLITICO's Rebecca Morin reports.

QUICK HITS

- E.P.A. Cancels Talk on Climate Change by Agency Scientists. New York Times.

- Governor Brown Signs Order Allowing EPA to Help With Cleanup of Hazardous Waste from North Bay Fires. NBC Bay Area.

- OKC firm secures $200 million contract to restore power in Puerto Rico. News OK.

- U.S.-backed forces take Syria's largest oil field from Islamic State. Chicago Tribune.

- The World's Next Environmental Disaster. Wall Street Journal.

THAT'S ALL FOR ME!

** **A message from Chevron:** This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the habitat and planted the only thing they eat-buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: http://politi.co/2gyQXsp **

To view online:
http://www.politico.com/tipsheets/morning-energy/2017/10/23/senate-takes-up-massive-disaster-aid-package-today-222941

To change your alert settings, please go to https://secure.politico.com/settings

---

This email was sent to dominguez.alexander@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

.

Please click here and follow the steps to unsubscribe.

.

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]
From: Bowman, Liz
Sent: Mon 7/31/2017 10:11:32 PM
Subject: RE: Media Coverage re: EPA Employee Farewell Email

I don't disagree, but give me a call and happy to discuss

From: Greenwalt, Sarah
Sent: Monday, July 31, 2017 5:39 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: RE: Media Coverage re: EPA Employee Farewell Email

I think the first sentence is a little much. Brings us down to her level in my opinion.

Sarah A. Greenwalt

Senior Advisor to the Administrator

for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722|Cell: 202-816-1388

Greenwalt.Sarah@epa.gov

From: Bowman, Liz
Sent: Monday, July 31, 2017 3:32 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Yamada, Richard (Yujiro) <yamada.richard@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: Media Coverage re: EPA Employee Farewell Email

All – We want to flag for you another resignation letter taking swings on their way out. The following is the quote that Jahan used to respond to this, and we are pulling

together other additional information to use to push back. With the buyouts, I think these types of stories are going to continue, and we might need to develop a generic response to responding to people take shots on their way out the door. Bringing this to your attention b/c it's getting coverage in the Washington Post, and because it's someone from Science/Technology office in the Office of Water. Please let us know if you have additional thoughts. Thanks -- Liz

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

From: Davidson, Joe [mailto:joe.davidson@washpost.com]
Sent: Monday, July 31, 2017 12:55 PM
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be

up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

To: Bromberg, Kevin L.[kevin.bromberg@sba.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]
From: Greenwalt, Sarah
Sent: Tue 8/1/2017 9:56:39 PM
Subject: RE: Steam Electric Statement by Betsy Southerland - Suggested Reactions

Thank you Kevin.

Sarah A. Greenwalt

Senior Advisor to the Administrator

for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722|Cell: 202-816-1388

Greenwalt.Sarah@epa.gov

From: Bromberg, Kevin L. [mailto:kevin.bromberg@sba.gov]
Sent: Tuesday, August 1, 2017 5:22 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject: Steam Electric Statement by Betsy Southerland - Suggested Reactions

"The new EPA Administrator already has repeals of 30 rules under consideration, one of which is the steam electric rule promulgated in 2015 after EPA spent years collecting data on power plants, millions of dollars conducting engineering and economic analyses of those data, and months responding to extensive public comment. The final rule required for the first time that the highly toxic wastes of coal fired electric plants be treated rather than poured untreated into large holding ponds where the toxic chemicals seep into ground water and overflow into surface water, contaminating public water supplies and private wells and poisoning fish and wildlife. The objective of the 2015 rule is to prevent repeats of the many environmental catastrophes caused by the failure of power company coal ash ponds, the most recent being the 70 mile long Duke Energy spill into the Dan River of North Carolina."

Not for public consumption – EPA withheld the key benefits data from us during interagency

review, so we couldn't reduce the highly inflated benefits projected by the staff analysis. This was the first time that EPA staff withheld the key effluent data from me in a review since at least 1995. We knew the results were inflated. The final rule results are considerably lower than the proposal benefits because of industry criticism. EPA regularly inflates proposals, and deflates them in the final rules. This is the first final rule since 1995 that was not properly reduced, in my experience.

For public consumption – EPA understands that the pollution benefits, based on analyses from forty year old data, and including other errors, needs to be recalculated. We also understand that the agency may have underestimated the costs of upgrading existing plants to new standards. Given the hundreds of millions of dollars of annual costs at stake, and questionable benefits, it is most appropriate to review standards that could have major negative impacts on rural America. For example, there is little evidence that control of the bottom ash processes will yield significant environmental benefits, according to industry comments.

With regard to the coal ash pond failures, EPA has already issued separate strict regulations (CCR) requiring unit integrity and regular inspections. This rulemaking is not needed to address that issue.

I am glad to add to this if interested.

Kevin Bromberg

Assistant Chief Counsel for Environmental Policy

SBA // Office of Advocacy

409 3rd St. SW, Washington, D.C. 20416

kevin.bromberg@sba.gov 202.481.2963

202.205.6964

U.S. SMALL BUSINESS ADMINISTRATION

OFFICE OF ADVOCACY

REGULATION • RESEARCH • OUTREACH

To: Bowman, Liz[Bowman.Liz@epa.gov]
From: Greenwalt, Sarah
Sent: Mon 7/31/2017 9:39:30 PM
Subject: RE: Media Coverage re: EPA Employee Farewell Email

I think the first sentence is a little much. Brings us down to her level in my opinion.

Sarah A. Greenwalt

Senior Advisor to the Administrator

for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722|Cell: 202-816-1388

Greenwalt.Sarah@epa.gov

From: Bowman, Liz
Sent: Monday, July 31, 2017 3:32 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Yamada, Richard (Yujiro) <yamada.richard@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Subject: Media Coverage re: EPA Employee Farewell Email

All – We want to flag for you another resignation letter taking swings on their way out. The following is the quote that Jahan used to respond to this, and we are pulling together other additional information to use to push back. With the buyouts, I think these types of stories are going to continue, and we might need to develop a generic response to responding to people take shots on their way out the door. Bringing this to your attention b/c it's getting coverage in the Washington Post, and because it's someone from Science/Technology office in the Office of Water. Please let us know if you have additional thoughts. Thanks -- Liz

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth

Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

From: Davidson, Joe [mailto:joe.davidson@washpost.com]
Sent: Monday, July 31, 2017 12:55 PM
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and

reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

To: Hewitt, James[hewitt.james@epa.gov]
From: Christian Datoc
Sent: Mon 9/11/2017 3:29:14 PM
Subject: Re: thought you'd be interested in some shoddy reporting

Awesome. I had no idea lol.

On Mon, Sep 11, 2017 at 11:25 AM, Hewitt, James <hewitt.james@epa.gov> wrote:

Been here since early July. I've met with Mike and Eric since I've been here—good guys.

From: Christian Datoc [mailto:christian@dailycaller.com]
Sent: Monday, September 11, 2017 11:23 AM

To: Hewitt, James <hewitt.james@epa.gov>
Subject: Re: thought you'd be interested in some shoddy reporting

No sweat. Also just realized. How long have you been at EPA?

On Mon, Sep 11, 2017 at 11:22 AM, Hewitt, James <hewitt.james@epa.gov> wrote:

Awesome thanks. Didn't know if you'd categorize between media/energy.

From: Christian Datoc [mailto:christian@dailycaller.com]
Sent: Monday, September 11, 2017 11:20 AM
To: Hewitt, James <hewitt.james@epa.gov>
Subject: Re: thought you'd be interested in some shoddy reporting

Thanks man. I'll pass along to our energy guys.

On Mon, Sep 11, 2017 at 11:19 AM, Hewitt, James <hewitt.james@epa.gov> wrote:

Christian,

Thought you might be interested:

Without attribution …

This weekend, the Associated Press just published another false story about EPA here is where it's embarrassing for them. The Associated Press reporters Michael Bisecker and Jason Dearen and their editor Julie Pace, allowed a paid intern who was at the EPA for less than one-year to speak into their story and portray him as some sort of expert.

http://abcnews.go.com/Health/wireStory/ap-exclusive-flooding-threatens-toxic-sites-irma-nears-49718959

It might be worth emailing Julie Pace (jpace@ap.org) or Sally Buzbee (sbuzbee@ap.org) and ask them if they think it's misleading for the Associated Press to cite a paid intern who no experience regarding toxic Superfund sites and portray him as some type of EPA expert.

The Associated Press reports that Stephen Sweeney conducted a Superfund flooding study, when his LinkedIn page shows that he was merely support staff. "The EPA needs to do a better job helping people who live near Superfund sites stay informed with accurate information, said Stephen Sweeney, a former employee in EPA's office of policy and one of the American University researchers who conducted the Superfund flooding study. 'These residents need to be aware of their surroundings, and what could be in their water and the floodwater,' Sweeney said. 'There needs to be some sort of public communication. Either mass distribution of information or evacuating residents — it's up to the agency to make that call.'" (The Associated Press, AP Exclusive: Flooding threatens toxic sites as Irma nears, 09/09/17)

https://www.linkedin.com/in/sweeneystephen1

Additionally, according to Federal Data Center on all government employees, Stephen J. Sweeny was a paid intern – with the official title of Administration and Office Support Student Trainee. "Sweeney, Stephen J: GS 04: Annual Salary $31,521: Official Title: Washington Administration and Office Support Student Trainee." (www.fedsdatacenter.com, Accessed 09/09/17)

The Associated Press also cited former EPA employee Betsy Southerland who was caught lying about why she left the agency. "A risk analysis by EPA concluded in 2012 that flooding at such sites in South Florida could pose a risk to public health by spreading contaminated soil and groundwater. Flooding could

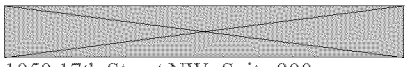
disturb dangerous pollutants and wash it onto nearby property or contaminate groundwater, including personal wells, said Elizabeth "Betsy" Southerland, who retired last month as director of science and technology in EPA's Office of Water after 30 years at the agency. 'The agency needs to quickly respond with careful monitoring after the storm,' said Southerland, who has criticized EPA's current leadership under President Donald Trump." (The Associated Press, AP Exclusive: Flooding threatens toxic sites as Irma nears, 09/09/17)

Response documents to a FOIA request for Elizabeth Southerland, who made more than $200,000 per year, reveal she did not retire because of Trump. "A senior employee at the Environmental Protection Agency (EPA) made a big stink about leaving the agency earlier this month over President Trump's proposed 2018 budget and the direction of the new administration, but new documents show she might not have been telling the whole story. Elizabeth Southerland penned a memo to her EPA colleagues in which she lamented potential budget cuts to the agency outlined in Trump's FY18 budget, released in May. Presidential budgets are rarely, if ever, approved let alone enacted. Still, Southerland wrote in her retirement memo: [T]he President's FY18 budget proposes cuts to state and tribal funding as draconian as the cuts to EPA, while at the same time reassigning a number of EPA responsibilities to the states and tribes. Later in the memo, she continued her war on the Trump administration, declaring: "It may take a few years and even an environmental disaster, but I am confident that Congress and the courts will eventually restore all the environmental protections repealed by this administration because the majority of the American people recognize that this protection of public health and safety is right and it is just." That memo went public August 1, but documents obtained by NTK Network through a Freedom of Information Act (FOIA) request reveal Southerland, who made headlines for her parting shots at the Trump administration, may have left out key details about her departure. In an email to a colleague dated July 26, 2017, Southerland explained her retirement decision was announced internally in June, and gives the reason why: Maybe you did not receive my email about my retirement, but I sent it to you in June as soon as I found out I needed to retire to help out with family medical care." (Need To Know Network, 08/28/17)

--

Christian Datoc

Breaking News and Engagement Editor


1050 17th Street NW, Suite 900

Washington DC 20036

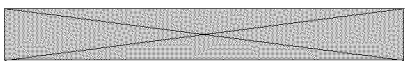
christian@dailycaller.com

@TocRadio

--

Christian Datoc

Breaking News and Engagement Editor

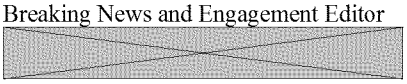

1050 17th Street NW, Suite 900

Washington DC 20036

christian@dailycaller.com

@TocRadio

--

Christian Datoc
Breaking News and Engagement Editor

1050 17th Street NW, Suite 900
Washington DC 20036
christian@dailycaller.com
@TocRadio

To: Hewitt, James[hewitt.james@epa.gov]
From: Christian Datoc
Sent: Mon 9/11/2017 3:23:05 PM
Subject: Re: thought you'd be interested in some shoddy reporting

No sweat. Also just realized. How long have you been at EPA?

On Mon, Sep 11, 2017 at 11:22 AM, Hewitt, James <hewitt.james@epa.gov> wrote:

Awesome thanks. Didn't know if you'd categorize between media/energy.

From: Christian Datoc [mailto:christian@dailycaller.com]
Sent: Monday, September 11, 2017 11:20 AM
To: Hewitt, James <hewitt.james@epa.gov>
Subject: Re: thought you'd be interested in some shoddy reporting

Thanks man. I'll pass along to our energy guys.

On Mon, Sep 11, 2017 at 11:19 AM, Hewitt, James <hewitt.james@epa.gov> wrote:

Christian,

Thought you might be interested:

Without attribution …

This weekend, the Associated Press just published another false story about EPA here is where it's embarrassing for them. The Associated Press reporters Michael Bisecker and Jason Dearen and their editor Julie Pace, allowed a paid intern who was at the EPA for less than one-year to speak into their story and portray him as some sort of expert.

http://abcnews.go.com/Health/wireStory/ap-exclusive-flooding-threatens-toxic-sites-irma-nears-49718959

It might be worth emailing Julie Pace (jpace@ap.org) or Sally Buzbee (sbuzbee@ap.org) and ask them if they think it's misleading for the Associated Press

to cite a paid intern who no experience regarding toxic Superfund sites and portray him as some type of EPA expert.

The Associated Press reports that Stephen Sweeney conducted a Superfund flooding study, when his LinkedIn page shows that he was merely support staff. "The EPA needs to do a better job helping people who live near Superfund sites stay informed with accurate information, said Stephen Sweeney, a former employee in EPA's office of policy and one of the American University researchers who conducted the Superfund flooding study. 'These residents need to be aware of their surroundings, and what could be in their water and the floodwater,' Sweeney said. 'There needs to be some sort of public communication. Either mass distribution of information or evacuating residents — it's up to the agency to make that call.'" (The Associated Press, AP Exclusive: Flooding threatens toxic sites as Irma nears, 09/09/17)

https://www.linkedin.com/in/sweeneystephen1

Additionally, according to Federal Data Center on all government employees, Stephen J. Sweeny was a paid intern – with the official title of Administration and Office Support Student Trainee. "Sweeney, Stephen J: GS 04: Annual Salary $31,521: Official Title: Washington Administration and Office Support Student Trainee." (www.fedsdatacenter.com, Accessed 09/09/17)

The Associated Press also cited former EPA employee Betsy Southerland who was caught lying about why she left the agency. "A risk analysis by EPA concluded in 2012 that flooding at such sites in South Florida could pose a risk to public health by spreading contaminated soil and groundwater. Flooding could disturb dangerous pollutants and wash it onto nearby property or contaminate groundwater, including personal wells, said Elizabeth "Betsy" Southerland, who retired last month as director of science and technology in EPA's Office of Water after 30 years at the agency. 'The agency needs to quickly respond with careful monitoring after the storm,' said Southerland, who has criticized EPA's current leadership under President Donald Trump." (The Associated Press, AP Exclusive: Flooding threatens toxic sites as Irma nears, 09/09/17)

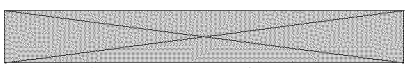
Response documents to a FOIA request for Elizabeth Southerland, who made more than $200,000 per year, reveal she did not retire because of Trump. "A senior employee at the Environmental Protection Agency (EPA) made a big stink about leaving the agency earlier this month over President Trump's proposed 2018 budget and the direction of the new administration, but new documents show she might not have been telling the whole story. Elizabeth Southerland penned a memo to her EPA colleagues in which she lamented potential budget cuts to the agency outlined in Trump's FY18 budget, released in May. Presidential budgets are rarely, if ever, approved let alone enacted. Still, Southerland wrote in her retirement memo: [T]he President's FY18 budget proposes cuts to state and tribal funding as draconian as the

cuts to EPA, while at the same time reassigning a number of EPA responsibilities to the states and tribes. Later in the memo, she continued her war on the Trump administration, declaring: "It may take a few years and even an environmental disaster, but I am confident that Congress and the courts will eventually restore all the environmental protections repealed by this administration because the majority of the American people recognize that this protection of public health and safety is right and it is just." That memo went public August 1, but documents obtained by NTK Network through a Freedom of Information Act (FOIA) request reveal Southerland, who made headlines for her parting shots at the Trump administration, may have left out key details about her departure. In an email to a colleague dated July 26, 2017, Southerland explained her retirement decision was announced internally in June, and gives the reason why: Maybe you did not receive my email about my retirement, but I sent it to you in June as soon as I found out I needed to retire to help out with family medical care." (Need To Know Network, 08/28/17)

--

Christian Datoc

Breaking News and Engagement Editor



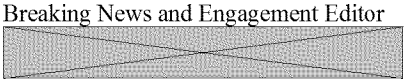
1050 17th Street NW, Suite 900

Washington DC 20036

christian@dailycaller.com

@TocRadio

--
Christian Datoc
Breaking News and Engagement Editor



1050 17th Street NW, Suite 900
Washington DC 20036
christian@dailycaller.com
@TocRadio

To: Hewitt, James[hewitt.james@epa.gov]
From: Christian Datoc
Sent: Mon 9/11/2017 3:20:23 PM
Subject: Re: thought you'd be interested in some shoddy reporting

Thanks man. I'll pass along to our energy guys.

On Mon, Sep 11, 2017 at 11:19 AM, Hewitt, James <hewitt.james@epa.gov> wrote:

Christian,

Thought you might be interested:

Without attribution …

This weekend, the Associated Press just published another false story about EPA here is where it's embarrassing for them. The Associated Press reporters Michael Bisecker and Jason Dearen and their editor Julie Pace, allowed a paid intern who was at the EPA for less than one-year to speak into their story and portray him as some sort of expert.

http://abcnews.go.com/Health/wireStory/ap-exclusive-flooding-threatens-toxic-sites-irma-nears-49718959

It might be worth emailing Julie Pace (jpace@ap.org) or Sally Buzbee (sbuzbee@ap.org) and ask them if they think it's misleading for the Associated Press to cite a paid intern who no experience regarding toxic Superfund sites and portray him as some type of EPA expert.

The Associated Press reports that Stephen Sweeney conducted a Superfund flooding study, when his LinkedIn page shows that he was merely support staff. "The EPA needs to do a better job helping people who live near Superfund sites stay informed with accurate information, said Stephen Sweeney, a former employee in EPA's office of policy and one of the American University researchers who conducted the Superfund flooding study. 'These residents need to be aware of their surroundings, and what could be in their water and the floodwater,' Sweeney said. 'There needs to be some sort of public communication. Either mass distribution of information or evacuating residents — it's up to the agency to make that call.'" (The Associated Press, AP Exclusive: Flooding threatens toxic sites as Irma nears, 09/09/17)

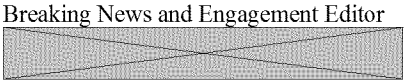
https://www.linkedin.com/in/sweeneystephen1

Additionally, according to Federal Data Center on all government employees, Stephen J. Sweeny was a paid intern – with the official title of Administration and Office Support Student Trainee. "Sweeney, Stephen J: GS 04: Annual Salary $31,521: Official Title: Washington Administration and Office Support Student Trainee." (www.fedsdatacenter.com, Accessed 09/09/17)

The Associated Press also cited former EPA employee Betsy Southerland who was caught lying about why she left the agency. "A risk analysis by EPA concluded in 2012 that flooding at such sites in South Florida could pose a risk to public health by spreading contaminated soil and groundwater. Flooding could disturb dangerous pollutants and wash it onto nearby property or contaminate groundwater, including personal wells, said Elizabeth "Betsy" Southerland, who retired last month as director of science and technology in EPA's Office of Water after 30 years at the agency. 'The agency needs to quickly respond with careful monitoring after the storm,' said Southerland, who has criticized EPA's current leadership under President Donald Trump." (The Associated Press, AP Exclusive: Flooding threatens toxic sites as Irma nears, 09/09/17)

Response documents to a FOIA request for Elizabeth Southerland, who made more than $200,000 per year, reveal she did not retire because of Trump. "A senior employee at the Environmental Protection Agency (EPA) made a big stink about leaving the agency earlier this month over President Trump's proposed 2018 budget and the direction of the new administration, but new documents show she might not have been telling the whole story. Elizabeth Southerland penned a memo to her EPA colleagues in which she lamented potential budget cuts to the agency outlined in Trump's FY18 budget, released in May. Presidential budgets are rarely, if ever, approved let alone enacted. Still, Southerland wrote in her retirement memo: [T]he President's FY18 budget proposes cuts to state and tribal funding as draconian as the cuts to EPA, while at the same time reassigning a number of EPA responsibilities to the states and tribes. Later in the memo, she continued her war on the Trump administration, declaring: "It may take a few years and even an environmental disaster, but I am confident that Congress and the courts will eventually restore all the environmental protections repealed by this administration because the majority of the American people recognize that this protection of public health and safety is right and it is just." That memo went public August 1, but documents obtained by NTK Network through a Freedom of Information Act (FOIA) request reveal Southerland, who made headlines for her parting shots at the Trump administration, may have left out key details about her departure. In an email to a colleague dated July 26, 2017, Southerland explained her retirement decision was announced internally in June, and gives the reason why: Maybe you did not receive my email about my retirement, but I sent it to you in June as soon as I found out I needed to retire to help out with family medical care." (Need To Know Network, 08/28/17)

--

Christian Datoc
Breaking News and Engagement Editor

1050 17th Street NW, Suite 900
Washington DC 20036
christian@dailycaller.com
@TocRadio

To: Hewitt, James[hewitt.james@epa.gov]
From: Maggie Lit
Sent: Mon 7/31/2017 7:13:18 PM
Subject: Re: interesting thing from EPA

Thanks James! I'll pass it along.

On Jul 31, 2017, at 2:01 PM, Hewitt, James <hewitt.james@epa.gov> wrote:

Maggie,

Thought you or someone at Lifezette might be interested:

Earlier this spring, there was an EPA employee who was eligible for retirement and claimed he was quitting because of Trump and his proposed budget, when in reality he was just retiring because he was eligible for his pension. Of course the Washington Post and other mainstream outlets jumped on the news.

- **The Washington Post: EPA staffer leaves with a bang, blasting agency policies under Trump – April 7, 2015**https://www.washingtonpost.com/news/powerpost/wp/2017/04/07/epa-staffer-leaves-with-a-bang-blasting-agency-policies-under-trump/?utm_term=.bf260e6e228a

Well another employee is doing the same thing and she's claiming that due to President Trump's proposed budget she is quitting, but it's widely known that presidential budgets – no matter what party you are from – never get rubberstamped by Congress. Below is the WaPo inquiry along with along with why the employee is claiming to retire.

Additionally, would also point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Curious if you would be interested in writing about this, because the left and environmentalists will make a big deal out of nothing.

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

The White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Senate Majority Leader Mitch McConnell has said that he expects Congress to ignore the budget. "Senate Republican Leader Mitch McConnell has already said he expects the Republican-led Congress to largely ignore the proposal, saying in an interview last week with Bloomberg News that early versions reflected priorities that "aren't necessarily ours." (Bloomberg, 05/22/17)

Senator Lindsey Graham said presidential budgets do not fare well. "Historically, presidential budgets do not fare well with Congress," said Sen. Lindsey Graham, R-S.C. (McClatchy, 03/16/17)

Senate Appropriations Committee Member John Hoevan said this budget is a starting point. "'The budget's a starting point. We'll go to work from there,' said Sen. John Hoeven, R-N.D., a member of the Senate Appropriations Committee." (The Associated Press, 05/22/17)

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Davidson, Joe" <joe.davidson@washpost.com>
Date: July 31, 2017 at 12:55:28 PM EDT
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist
The Washington Post
1301 K Street, NW
Washington, DC 20071
202.334.6415 – work
202.580.9552 – cell
joe.davidson@washpost.com
Twitter: @JoeDavidsonWP
Website: wapo.st/JoeDavidson

To: Christian Datoc[christian@dailycaller.com]
From: Hewitt, James
Sent: Mon 9/11/2017 3:25:38 PM
Subject: RE: thought you'd be interested in some shoddy reporting

Been here since early July. I've met with Mike and Eric since I've been here—good guys.

From: Christian Datoc [mailto:christian@dailycaller.com]
Sent: Monday, September 11, 2017 11:23 AM
To: Hewitt, James <hewitt.james@epa.gov>
Subject: Re: thought you'd be interested in some shoddy reporting

No sweat. Also just realized. How long have you been at EPA?

On Mon, Sep 11, 2017 at 11:22 AM, Hewitt, James <hewitt.james@epa.gov> wrote:

Awesome thanks. Didn't know if you'd categorize between media/energy.

From: Christian Datoc [mailto:christian@dailycaller.com]
Sent: Monday, September 11, 2017 11:20 AM
To: Hewitt, James <hewitt.james@epa.gov>
Subject: Re: thought you'd be interested in some shoddy reporting

Thanks man. I'll pass along to our energy guys.

On Mon, Sep 11, 2017 at 11:19 AM, Hewitt, James <hewitt.james@epa.gov> wrote:

Christian,

Thought you might be interested:

Without attribution …

This weekend, the Associated Press just published another false story about EPA here is where it's embarrassing for them. The Associated Press reporters Michael Bisecker and Jason Dearen and their editor Julie Pace, allowed a paid intern who was at the EPA for less than one-year to speak into their story and portray him as some sort of expert.

http://abcnews.go.com/Health/wireStory/ap-exclusive-flooding-threatens-toxic-sites-irma-nears-49718959

It might be worth emailing Julie Pace (jpace@ap.org) or Sally Buzbee (sbuzbee@ap.org) and ask them if they think it's misleading for the Associated Press to cite a paid intern who no experience regarding toxic Superfund sites and portray him as some type of EPA expert.

The Associated Press reports that Stephen Sweeney conducted a Superfund flooding study, when his LinkedIn page shows that he was merely support staff. "The EPA needs to do a better job helping people who live near Superfund sites stay informed with accurate information, said Stephen Sweeney, a former employee in EPA's office of policy and one of the American University researchers who conducted the Superfund flooding study. 'These residents need to be aware of their surroundings, and what could be in their water and the floodwater,' Sweeney said. 'There needs to be some sort of public communication. Either mass distribution of information or evacuating residents — it's up to the agency to make that call.'" (The Associated Press, AP Exclusive: Flooding threatens toxic sites as Irma nears, 09/09/17)

https://www.linkedin.com/in/sweeneystephen1

Additionally, according to Federal Data Center on all government employees, Stephen J. Sweeny was a paid intern – with the official title of Administration and Office Support Student Trainee. "Sweeney, Stephen J: GS 04: Annual Salary $31,521: Official Title: Washington Administration and Office Support Student Trainee." (www.fedsdatacenter.com, Accessed 09/09/17)

The Associated Press also cited former EPA employee Betsy Southerland who was caught lying about why she left the agency. "A risk analysis by EPA concluded in 2012 that flooding at such sites in South Florida could pose a risk to public health by spreading contaminated soil and groundwater. Flooding could disturb dangerous pollutants and wash it onto nearby property or contaminate groundwater, including personal wells, said Elizabeth "Betsy" Southerland, who retired last month as director of science and technology in EPA's Office of Water after 30 years at the agency. 'The agency needs to quickly respond with careful monitoring after the storm,' said Southerland, who has criticized EPA's current leadership under President Donald

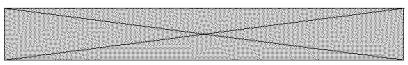
Trump." (The Associated Press, AP Exclusive: Flooding threatens toxic sites as Irma nears, 09/09/17)

Response documents to a FOIA request for Elizabeth Southerland, who made more than $200,000 per year, reveal she did not retire because of Trump. "A senior employee at the Environmental Protection Agency (EPA) made a big stink about leaving the agency earlier this month over President Trump's proposed 2018 budget and the direction of the new administration, but new documents show she might not have been telling the whole story. Elizabeth Southerland penned a memo to her EPA colleagues in which she lamented potential budget cuts to the agency outlined in Trump's FY18 budget, released in May. Presidential budgets are rarely, if ever, approved let alone enacted. Still, Southerland wrote in her retirement memo: [T]he President's FY18 budget proposes cuts to state and tribal funding as draconian as the cuts to EPA, while at the same time reassigning a number of EPA responsibilities to the states and tribes. Later in the memo, she continued her war on the Trump administration, declaring: "It may take a few years and even an environmental disaster, but I am confident that Congress and the courts will eventually restore all the environmental protections repealed by this administration because the majority of the American people recognize that this protection of public health and safety is right and it is just." That memo went public August 1, but documents obtained by NTK Network through a Freedom of Information Act (FOIA) request reveal Southerland, who made headlines for her parting shots at the Trump administration, may have left out key details about her departure. In an email to a colleague dated July 26, 2017, Southerland explained her retirement decision was announced internally in June, and gives the reason why: Maybe you did not receive my email about my retirement, but I sent it to you in June as soon as I found out I needed to retire to help out with family medical care." (Need To Know Network, 08/28/17)

--

Christian Datoc

Breaking News and Engagement Editor



1050 17th Street NW, Suite 900

Washington DC 20036

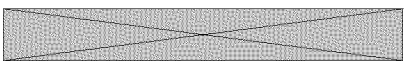
christian@dailycaller.com

@TocRadio

--

Christian Datoc

Breaking News and Engagement Editor



1050 17th Street NW, Suite 900

Washington DC 20036

christian@dailycaller.com

@TocRadio

To: Christian Datoc[christian@dailycaller.com]
From: Hewitt, James
Sent: Mon 9/11/2017 3:22:32 PM
Subject: RE: thought you'd be interested in some shoddy reporting

Awesome thanks. Didn't know if you'd categorize between media/energy.

From: Christian Datoc [mailto:christian@dailycaller.com]
Sent: Monday, September 11, 2017 11:20 AM
To: Hewitt, James <hewitt.james@epa.gov>
Subject: Re: thought you'd be interested in some shoddy reporting

Thanks man. I'll pass along to our energy guys.

On Mon, Sep 11, 2017 at 11:19 AM, Hewitt, James <hewitt.james@epa.gov> wrote:

Christian,

Thought you might be interested:

Without attribution …

This weekend, the Associated Press just published another false story about EPA here is where it's embarrassing for them. The Associated Press reporters Michael Bisecker and Jason Dearen and their editor Julie Pace, allowed a paid intern who was at the EPA for less than one-year to speak into their story and portray him as some sort of expert.

http://abcnews.go.com/Health/wireStory/ap-exclusive-flooding-threatens-toxic-sites-irma-nears-49718959

It might be worth emailing Julie Pace (jpace@ap.org) or Sally Buzbee (sbuzbee@ap.org) and ask them if they think it's misleading for the Associated Press to cite a paid intern who no experience regarding toxic Superfund sites and portray him as some type of EPA expert.

The Associated Press reports that Stephen Sweeney conducted a Superfund flooding study, when his LinkedIn page shows that he was merely support staff. "The EPA needs to do a better job helping people who live near Superfund sites stay informed with accurate information, said Stephen Sweeney, a former employee in EPA's office of policy and one of the American University researchers who conducted the Superfund flooding study. 'These residents need to be aware of their surroundings, and what could be in their water and the floodwater,' Sweeney said. 'There needs to be some sort of public communication. Either mass distribution of information or evacuating residents — it's up to the agency to make that call.'" (The Associated Press, AP Exclusive: Flooding threatens toxic sites as Irma nears, 09/09/17)

https://www.linkedin.com/in/sweeneystephen1

Additionally, according to Federal Data Center on all government employees, Stephen J. Sweeny was a paid intern – with the official title of Administration and Office Support Student Trainee. "Sweeney, Stephen J: GS 04: Annual Salary $31,521: Official Title: Washington Administration and Office Support Student Trainee." (www.fedsdatacenter.com, Accessed 09/09/17)

The Associated Press also cited former EPA employee Betsy Southerland who was caught lying about why she left the agency. "A risk analysis by EPA concluded in 2012 that flooding at such sites in South Florida could pose a risk to public health by spreading contaminated soil and groundwater. Flooding could disturb dangerous pollutants and wash it onto nearby property or contaminate groundwater, including personal wells, said Elizabeth "Betsy" Southerland, who retired last month as director of science and technology in EPA's Office of Water after 30 years at the agency. 'The agency needs to quickly respond with careful monitoring after the storm,' said Southerland, who has criticized EPA's current leadership under President Donald Trump." (The Associated Press, AP Exclusive: Flooding threatens toxic sites as Irma nears, 09/09/17)

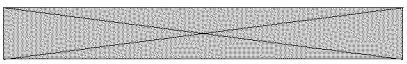
Response documents to a FOIA request for Elizabeth Southerland, who made more than $200,000 per year, reveal she did not retire because of Trump. "A senior employee at the Environmental Protection Agency (EPA) made a big stink about leaving the agency earlier this month over President Trump's proposed 2018 budget and the direction of the new administration, but new documents show she might not have been telling the whole story. Elizabeth Southerland penned a memo to her EPA colleagues in which she lamented potential budget cuts to the agency outlined in Trump's FY18 budget, released in May. Presidential budgets are rarely, if ever, approved let alone enacted. Still, Southerland wrote in her retirement memo: [T]he President's FY18 budget proposes cuts to state and tribal funding as draconian as the cuts to EPA, while at the same time reassigning a number of EPA responsibilities to the states and tribes. Later in the memo, she continued her war on the Trump administration, declaring: "It may take a few years and even an environmental disaster, but I am confident that Congress and the courts will eventually restore all the environmental protections repealed by this administration because the majority of the American people recognize that this protection of public health and safety is right and it is just." That memo went public August 1, but documents obtained by NTK Network through

a Freedom of Information Act (FOIA) request reveal Southerland, who made headlines for her parting shots at the Trump administration, may have left out key details about her departure. In an email to a colleague dated July 26, 2017, Southerland explained her retirement decision was announced internally in June, and gives the reason why: Maybe you did not receive my email about my retirement, but I sent it to you in June as soon as I found out I needed to retire to help out with family medical care." (Need To Know Network, 08/28/17)

--

Christian Datoc

Breaking News and Engagement Editor



1050 17th Street NW, Suite 900

Washington DC 20036

christian@dailycaller.com

@TocRadio

To: christian@dailycaller.com[christian@dailycaller.com]
From: Hewitt, James
Sent: Mon 9/11/2017 3:19:17 PM
Subject: thought you'd be interested in some shoddy reporting

Christian,

Thought you might be interested:

Without attribution …

This weekend, the Associated Press just published another false story about EPA here is where it's embarrassing for them. The Associated Press reporters Michael Bisecker and Jason Dearen and their editor Julie Pace, allowed a paid intern who was at the EPA for less than one-year to speak into their story and portray him as some sort of expert.

http://abcnews.go.com/Health/wireStory/ap-exclusive-flooding-threatens-toxic-sites-irma-nears-49718959

It might be worth emailing Julie Pace (jpace@ap.org) or Sally Buzbee (sbuzbee@ap.org) and ask them if they think it's misleading for the Associated Press to cite a paid intern who no experience regarding toxic Superfund sites and portray him as some type of EPA expert.

The Associated Press reports that Stephen Sweeney conducted a Superfund flooding study, when his LinkedIn page shows that he was merely support staff. "The EPA needs to do a better job helping people who live near Superfund sites stay informed with accurate information, said Stephen Sweeney, a former employee in EPA's office of policy and one of the American University researchers who conducted the Superfund flooding study. 'These residents need to be aware of their surroundings, and what could be in their water and the floodwater,' Sweeney said. 'There needs to be some sort of public communication. Either mass distribution of information or evacuating residents — it's up to the agency to make that call.'" (The Associated Press, AP Exclusive: Flooding threatens toxic sites as Irma nears, 09/09/17)

https://www.linkedin.com/in/sweeneystephen1

Additionally, according to Federal Data Center on all government employees, Stephen J. Sweeny was a paid intern – with the official title of Administration and Office Support Student Trainee. "Sweeney, Stephen J: GS 04: Annual Salary $31,521: Official Title: Washington Administration and Office Support Student Trainee." (www.fedsdatacenter.com, Accessed 09/09/17)

The Associated Press also cited former EPA employee Betsy Southerland who was caught lying about why she left the agency. "A risk analysis by EPA concluded in 2012 that flooding at such sites in South Florida could pose a risk to public health by spreading contaminated soil and groundwater. Flooding could disturb dangerous pollutants and wash it onto nearby property or contaminate groundwater, including personal wells, said Elizabeth "Betsy" Southerland, who retired last month as director of science and technology in EPA's Office of Water after 30 years at the agency. 'The agency needs to quickly respond with careful monitoring after the storm,' said Southerland, who has criticized EPA's current leadership under President Donald Trump." (The Associated Press, AP Exclusive: Flooding threatens toxic sites as Irma nears, 09/09/17)

Response documents to a FOIA request for Elizabeth Southerland, who made more than $200,000 per year, reveal she did not retire because of Trump. "A senior employee at the Environmental Protection Agency (EPA) made a big stink about leaving the agency earlier this month over President Trump's proposed 2018 budget and the direction of the new administration, but new documents show she might not have been telling the whole story. Elizabeth Southerland penned a memo to her EPA colleagues in which she lamented potential budget cuts to the agency outlined in Trump's FY18 budget, released in May. Presidential budgets are rarely, if ever, approved let alone enacted. Still, Southerland wrote in her retirement memo: [T]he President's FY18 budget proposes cuts to state and tribal funding as draconian as the cuts to EPA, while at the same time reassigning a number of EPA responsibilities to the states and tribes. Later in the memo, she continued her war on the Trump administration, declaring: "It may take a few years and even an environmental disaster, but I am confident that Congress and the courts will eventually restore all the environmental protections repealed by this administration because the majority of the American people recognize that this protection of public health and safety is right and it is just." That memo went public August 1, but documents obtained by NTK Network through a Freedom of Information Act (FOIA) request reveal Southerland, who made headlines for her parting shots at the Trump administration, may have left out key details about her departure. In an email to a colleague dated July 26, 2017, Southerland explained her retirement decision was announced internally in June, and gives the reason why: Maybe you did not receive my email about my retirement, but I sent it to you in June as soon as I found out I needed to retire to help out with family medical care." (Need To Know Network, 08/28/17)

To: Kathryn.blackhurst@lifezette.com[Kathryn.blackhurst@lifezette.com]
From: Hewitt, James
Sent: Mon 9/11/2017 2:37:44 PM
Subject: hey Kathryn

Hey Kathryn,

I thought you might be interested in some shoddy MSM reporting that occurred over the weekend.

Best,

James

Without attribution …

This weekend, the Associated Press just published another false story about EPA here is where it's embarrassing for them. The Associated Press reporters Michael Bisecker and Jason Dearen and their editor Julie Pace, allowed a paid intern who was at the EPA for less than one-year to speak into their story and portray him as some sort of expert.

http://abcnews.go.com/Health/wireStory/ap-exclusive-flooding-threatens-toxic-sites-irma-nears-49718959

It might be worth emailing Julie Pace (jpace@ap.org) or Sally Buzbee (sbuzbee@ap.org) and ask them if they think it's misleading for the Associated Press to cite a paid intern who no experience regarding toxic Superfund sites and portray him as some type of EPA expert.

The Associated Press reports that Stephen Sweeney conducted a Superfund flooding study, when his LinkedIn page shows that he was merely support staff. "The EPA needs to do a better job helping people who live near Superfund sites stay informed with accurate information, said Stephen Sweeney, a former employee in EPA's office of policy and one of the American University researchers who conducted the Superfund flooding study. 'These residents need to be aware of their surroundings, and what could be in their water and the floodwater,' Sweeney said. 'There needs to be some sort of public communication. Either mass distribution of information or evacuating residents — it's up to the agency to make that call.'" (The Associated Press, AP Exclusive: Flooding threatens toxic sites as Irma nears, 09/09/17)

https://www.linkedin.com/in/sweeneystephen1

Additionally, according to Federal Data Center on all government employees, Stephen J. Sweeny was a paid intern – with the official title of Administration and Office Support Student Trainee. "Sweeney, Stephen J: GS 04: Annual Salary $31,521: Official Title: Washington Administration and Office Support Student Trainee." (www.fedsdatacenter.com, Accessed 09/09/17)

The Associated Press also cited former EPA employee Betsy Southerland who was caught lying about why she left the agency. "A risk analysis by EPA concluded in 2012 that flooding at such sites in South Florida could pose a risk to public health by spreading contaminated soil and groundwater. Flooding could disturb dangerous pollutants and wash it onto nearby property or contaminate groundwater, including personal wells, said Elizabeth "Betsy" Southerland, who retired last month as director of science and technology in EPA's Office of Water after 30 years at the agency. 'The agency needs to quickly respond with careful monitoring after the storm,' said Southerland, who has criticized EPA's current leadership under President Donald Trump." (The Associated Press, AP Exclusive: Flooding threatens toxic sites as Irma nears, 09/09/17)

Response documents to a FOIA request for Elizabeth Southerland, who made more than $200,000 per year, reveal she did not retire because of Trump. "A senior employee at the Environmental Protection Agency (EPA) made a big stink about leaving the agency earlier this month over President Trump's proposed 2018 budget and the direction of the new administration, but new documents show she might not have been telling the whole story. Elizabeth Southerland penned a memo to her EPA colleagues in which she lamented potential budget cuts to the agency outlined in Trump's FY18 budget, released in May. Presidential budgets are rarely, if ever, approved let alone enacted. Still, Southerland wrote in her retirement memo: [T]he President's FY18 budget proposes cuts to state and tribal funding as draconian as the cuts to EPA, while at the same time reassigning a number of EPA responsibilities to the states and tribes. Later in the memo, she continued her war on the Trump administration, declaring: "It may take a few years and even an environmental disaster, but I am confident that Congress and the courts will eventually restore all the environmental protections repealed by this administration because the majority of the American people recognize that this protection of public health and safety is right and it is just." That memo went public August 1, but documents obtained by NTK Network through a Freedom of Information Act (FOIA) request reveal Southerland, who made headlines for her parting shots at the Trump administration, may have left out key details about her departure. In an email to a colleague dated July 26, 2017, Southerland explained her retirement decision was announced internally in June, and gives the reason why: Maybe you did not receive my email about my retirement, but I sent it to you in June as soon as I found out I needed to retire to help out with family medical care." (Need To Know Network, 08/28/17)

James Hewitt

Environmental Protection Agency

Press Secretary

(202) 578-6141

To: bridgetj@pjmedia.com[bridgetj@pjmedia.com]
From: Hewitt, James
Sent: Mon 9/11/2017 2:34:43 PM
Subject: hey Bridget

Hey Bridget,

James Hewitt here from EPA. I wanted to put this on you radar today on some shoddy MSM reporting from over the weekend.

Best,

James

Without attribution …

This weekend, the Associated Press just published another false story about EPA here is where it's embarrassing for them. The Associated Press reporters Michael Bisecker and Jason Dearen and their editor Julie Pace, allowed a paid intern who was at the EPA for less than one-year to speak into their story and portray him as some sort of expert.

http://abcnews.go.com/Health/wireStory/ap-exclusive-flooding-threatens-toxic-sites-irma-nears-49718959

It might be worth emailing Julie Pace (jpace@ap.org) or Sally Buzbee (sbuzbee@ap.org) and ask them if they think it's misleading for the Associated Press to cite a paid intern who no experience regarding toxic Superfund sites and portray him as some type of EPA expert.

The Associated Press reports that Stephen Sweeney conducted a Superfund flooding study, when his LinkedIn page shows that he was merely support staff. "The EPA needs to do a better job helping people who live near Superfund sites stay informed with accurate information, said Stephen Sweeney, a former employee in EPA's office of policy and one of the American University researchers who conducted the Superfund flooding study. 'These residents need to be aware of their surroundings, and what could be in their water and the floodwater,' Sweeney said. 'There needs to be some sort of public communication. Either mass distribution of information or evacuating residents — it's up to the agency to make that call.'" (The Associated Press, AP

Exclusive: Flooding threatens toxic sites as Irma nears, 09/09/17)

https://www.linkedin.com/in/sweeneystephen1

Additionally, according to Federal Data Center on all government employees, Stephen J. Sweeny was a paid intern – with the official title of Administration and Office Support Student Trainee. "Sweeney, Stephen J: GS 04: Annual Salary $31,521: Official Title: Washington Administration and Office Support Student Trainee." (www.fedsdatacenter.com, Accessed 09/09/17)

The Associated Press also cited former EPA employee Betsy Southerland who was caught lying about why she left the agency. "A risk analysis by EPA concluded in 2012 that flooding at such sites in South Florida could pose a risk to public health by spreading contaminated soil and groundwater. Flooding could disturb dangerous pollutants and wash it onto nearby property or contaminate groundwater, including personal wells, said Elizabeth "Betsy" Southerland, who retired last month as director of science and technology in EPA's Office of Water after 30 years at the agency. 'The agency needs to quickly respond with careful monitoring after the storm,' said Southerland, who has criticized EPA's current leadership under President Donald Trump." (The Associated Press, AP Exclusive: Flooding threatens toxic sites as Irma nears, 09/09/17)

Response documents to a FOIA request for Elizabeth Southerland, who made more than $200,000 per year, reveal she did not retire because of Trump. "A senior employee at the Environmental Protection Agency (EPA) made a big stink about leaving the agency earlier this month over President Trump's proposed 2018 budget and the direction of the new administration, but new documents show she might not have been telling the whole story. Elizabeth Southerland penned a memo to her EPA colleagues in which she lamented potential budget cuts to the agency outlined in Trump's FY18 budget, released in May. Presidential budgets are rarely, if ever, approved let alone enacted. Still, Southerland wrote in her retirement memo: [T]he President's FY18 budget proposes cuts to state and tribal funding as draconian as the cuts to EPA, while at the same time reassigning a number of EPA responsibilities to the states and tribes. Later in the memo, she continued her war on the Trump administration, declaring: "It may take a few years and even an environmental disaster, but I am confident that Congress and the courts will eventually restore all the environmental protections repealed by this administration because the majority of the American people recognize that this protection of public health and safety is right and it is just." That memo went public August 1, but documents obtained by NTK Network through a Freedom of Information Act (FOIA) request reveal Southerland, who made headlines for her parting shots at the Trump administration, may have left out key details about her departure. In an email to a colleague dated July 26, 2017, Southerland explained her retirement decision was announced internally in June, and gives the reason why: Maybe you did not receive my email about my retirement, but I sent it to you in June as soon as I found out I needed to retire to help out with family medical care." (Need To Know Network, 08/28/17)

To: streiff@redstate.com[streiff@redstate.com]
From: Hewitt, James
Sent: Mon 9/11/2017 2:31:58 PM
Subject: thought you'd be interested in more shoddy MSM reporting

Without attribution …

This weekend, the Associated Press just published another false story about EPA here is where it's embarrassing for them. The Associated Press reporters Michael Bisecker and Jason Dearen and their editor Julie Pace, allowed a paid intern who was at the EPA for less than one-year to speak into their story and portray him as some sort of expert.

http://abcnews.go.com/Health/wireStory/ap-exclusive-flooding-threatens-toxic-sites-irma-nears-49718959

It might be worth emailing Julie Pace (jpace@ap.org) or Sally Buzbee (sbuzbee@ap.org) and ask them if they think it's misleading for the Associated Press to cite a paid intern who no experience regarding toxic Superfund sites and portray him as some type of EPA expert.

The Associated Press reports that Stephen Sweeney conducted a Superfund flooding study, when his LinkedIn page shows that he was merely support staff. "The EPA needs to do a better job helping people who live near Superfund sites stay informed with accurate information, said Stephen Sweeney, a former employee in EPA's office of policy and one of the American University researchers who conducted the Superfund flooding study. 'These residents need to be aware of their surroundings, and what could be in their water and the floodwater,' Sweeney said. 'There needs to be some sort of public communication. Either mass distribution of information or evacuating residents — it's up to the agency to make that call.'" (The Associated Press, AP Exclusive: Flooding threatens toxic sites as Irma nears, 09/09/17)

https://www.linkedin.com/in/sweeneystephen1

Additionally, according to Federal Data Center on all government employees, Stephen J. Sweeny was a paid intern – with the official title of Administration and Office Support Student Trainee. "Sweeney, Stephen J: GS 04: Annual Salary $31,521: Official Title: Washington Administration and Office Support Student Trainee." (www.fedsdatacenter.com, Accessed 09/09/17)

The Associated Press also cited former EPA employee Betsy Southerland who was caught lying about why she left the agency. "A risk analysis by EPA concluded in 2012 that flooding at such sites in South Florida could pose a risk to public health by spreading contaminated soil and groundwater. Flooding could disturb dangerous pollutants and wash it onto nearby property or contaminate groundwater, including personal wells, said Elizabeth "Betsy" Southerland, who

retired last month as director of science and technology in EPA's Office of Water after 30 years at the agency. 'The agency needs to quickly respond with careful monitoring after the storm,' said Southerland, who has criticized EPA's current leadership under President Donald Trump." (The Associated Press, AP Exclusive: Flooding threatens toxic sites as Irma nears, 09/09/17)

Response documents to a FOIA request for Elizabeth Southerland, who made more than $200,000 per year, reveal she did not retire because of Trump. "A senior employee at the Environmental Protection Agency (EPA) made a big stink about leaving the agency earlier this month over President Trump's proposed 2018 budget and the direction of the new administration, but new documents show she might not have been telling the whole story. Elizabeth Southerland penned a memo to her EPA colleagues in which she lamented potential budget cuts to the agency outlined in Trump's FY18 budget, released in May. Presidential budgets are rarely, if ever, approved let alone enacted. Still, Southerland wrote in her retirement memo: [T]he President's FY18 budget proposes cuts to state and tribal funding as draconian as the cuts to EPA, while at the same time reassigning a number of EPA responsibilities to the states and tribes. Later in the memo, she continued her war on the Trump administration, declaring: "It may take a few years and even an environmental disaster, but I am confident that Congress and the courts will eventually restore all the environmental protections repealed by this administration because the majority of the American people recognize that this protection of public health and safety is right and it is just." That memo went public August 1, but documents obtained by NTK Network through a Freedom of Information Act (FOIA) request reveal Southerland, who made headlines for her parting shots at the Trump administration, may have left out key details about her departure. In an email to a colleague dated July 26, 2017, Southerland explained her retirement decision was announced internally in June, and gives the reason why: Maybe you did not receive my email about my retirement, but I sent it to you in June as soon as I found out I needed to retire to help out with family medical care." (Need To Know Network, 08/28/17)

To: Maggie.Lit@lifezette.com[Maggie.Lit@lifezette.com]
From: Hewitt, James
Sent: Mon 7/31/2017 7:01:09 PM
Subject: interesting thing from EPA

Maggie,

Thought you or someone at Lifezette might be interested:

Earlier this spring, there was an EPA employee who was eligible for retirement and claimed he was quitting because of Trump and his proposed budget, when in reality he was just retiring because he was eligible for his pension. Of course the Washington Post and other mainstream outlets jumped on the news.

- **The Washington Post: EPA staffer leaves with a bang, blasting agency policies under Trump – April 7, 2015**
https://www.washingtonpost.com/news/powerpost/wp/2017/04/07/epa-staffer-leaves-with-a-bang-blasting-agency-policies-under-trump/?utm_term=.bf260e6e228a

Well another employee is doing the same thing and she's claiming that due to President Trump's proposed budget she is quitting, but it's widely known that presidential budgets – no matter what party you are from – never get rubberstamped by Congress. Below is the WaPo inquiry along with along with why the employee is claiming to retire.

Additionally, would also point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Curious if you would be interested in writing about this, because the left and environmentalists will make a big deal out of nothing.

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-

elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

The White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President

Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Senate Majority Leader Mitch McConnell has said that he expects Congress to ignore the budget. "Senate Republican Leader Mitch McConnell has already said he expects the Republican-led Congress to largely ignore the proposal, saying in an interview last week with Bloomberg News that early versions reflected priorities that "aren't necessarily ours." (Bloomberg, 05/22/17)

Senator Lindsey Graham said presidential budgets do not fare well. "Historically, presidential budgets do not fare well with Congress," said Sen. Lindsey Graham, R-S.C. (McClatchy, 03/16/17)

Senate Appropriations Committee Member John Hoevan said this budget is a starting point. "'The budget's a starting point. We'll go to work from there,' said Sen. John Hoeven, R-N.D., a member of the Senate Appropriations Committee." (The Associated Press, 05/22/17)

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Davidson, Joe" <joe.davidson@washpost.com>
Date: July 31, 2017 at 12:55:28 PM EDT
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those

governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

To: Kelly, Albert[kelly.albert@epa.gov]; Fonseca, Silvina[Fonseca.Silvina@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; EOC Public Information[EOC_Public_Information@epa.gov]; Simon, Nigel[Simon.Nigel@epa.gov]; Levine, Carolyn[Levine.Carolyn@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]
From: Grantham, Nancy
Sent: Mon 9/11/2017 2:35:30 PM
Subject: FW: Washington Examiner: That AP 'exclusive' knocking Scott Pruitt over Hurricane Irma response quotes an EPA intern, 9/11/17

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

202-253-7056 (mobile)

From: Sparacino, Jessica
Sent: Monday, September 11, 2017 10:15 AM
To: AO OPA OMR CLIPS <AO_OPA_OMR_CLIPS@epa.gov>
Subject: Washington Examiner: That AP 'exclusive' knocking Scott Pruitt over Hurricane Irma response quotes an EPA intern, 9/11/17

Washington Examiner

http://www.washingtonexaminer.com/that-ap-exclusive-knocking-scott-pruitt-over-hurricane-irma-response-quotes-an-epa-intern/article/2633943

That AP 'exclusive' knocking Scott Pruitt over Hurricane Irma response quotes an EPA intern

By: Philip Wegmann, 9/10/17, 9:16 a.m.

Hurricane Irma hasn't made landfall, but the Category 5 storm has already confused

communications, muddled municipal logistics, and apparently scrambled Associated Press sourcing so much so that the storied news agency is quoting EPA interns as authoritative.

An "AP Exclusive" detailing Environmental Protection Agency efforts to secure 54 toxic Superfund sites in the hurricane's path, cites one Stephen Sweeney as "a former employee in EPA's office of policy."

"These residents need to be aware of their surroundings, and what could be in their water and the floodwater," Sweeney told the AP. "There needs to be some sort of public communication. Either mass distribution of information or evacuating residents — it's up to the agency to make that call."

And while that might be valid criticism, the AP sourcing isn't. According to federal employment data, Sweeney worked at the EPA for barely more than a year as an "Administration and Office Support Student Trainee." People in less bureaucratic circles call that a paid internship.

That's not to say the source isn't accomplished. A review of his resume shows that while interning at the EPA, Sweeney earned his Master's in Public Policy. He also co-authored a 2016 Government Accountability Office analysis exploring how global warming and rising sea-levels could affect Superfund sites.

That experience makes him a promising young analyst. Unfortunately for the AP, it doesn't make him an authoritative policy expert.

Cleaning up Superfund sites, polluted areas that require long term cleanup efforts, has been a top priority of EPA Administrator Scott Pruitt. As the AP points out, Pruitt has been skeptical of global warming and remained mostly silent on the threat "rising seas and more powerful storms" pose to the effort.

Sen. Marco Rubio, R-Fla., said on Saturday that the EPA has "a handle on" the situation. But a second source cited by the AP was more critical. Elizabeth Southerland, a former director of science and technology in EPA's Office of Water, said the agency should do more "to quickly

respond with careful monitoring after the storm."

Like the intern, there's reason to doubt Southerland. After more than 30 years at the EPA, she reportedly quit in protest of budget cuts and Pruitt's leadership. But the decision had more to do with retirement than political protest. A Washington Free Beacon report found that Southerland was eligible for a pension.

None of any of this disqualifies Southerland or Sweeney per se. They might well know some science things. But it's unsettling for a multinational news agency that's reprinted as journalism's gold standard. The AP should be able to find better sources than a biased analyst and an intern.

—

Jessica Sparacino

US Environmental Protection Agency

Office of Public Affairs Intern

(202) 564-5327

WJCN 2502J

To: Dravis, Samantha[dravis.samantha@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]
Sent: Mon 10/16/2017 9:08:33 PM
Subject: RE: EPA Afternoon Highlights 10.16.17

If there is any justice I think she lives in Montgomery County Maryland where she can kiss good bye to 11% of that right off the top before federal taxes.

From: Dravis, Samantha
Sent: Monday, October 16, 2017 5:00 PM
To: Hewitt, James <hewitt.james@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: EPA Afternoon Highlights 10.16.17

I'm sorry.. Betsy Southerland was making $250,000? That is absolutely outrageous.

From: Hewitt, James
Sent: Monday, October 16, 2017 4:43 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: EPA Afternoon Highlights 10.16.17

EPA Afternoon Highlights 10.16.17

-

Bloomberg: Trump's EPA Swears Off Settling Lawsuits With Environmentalists

The Trump administration moved Monday to curb settlements with environmentalists, instead vowing to fight cases designed to force the Environmental Protection Agency to take action. EPA Administrator Scott Pruitt said he is ending a "sue-and-settle" practice that has resulted in committing the agency to regulating greenhouse gas emissions from power plants and refineries, among other things. “As of today with this directive and the memorandum, we’re no longer going to be involved in that practice,” Pruitt told reporters at a briefing Monday. Pruitt promised in an address to EPA employees in February to avoid "regulation through litigation" and later instructed agency staff to limit the practice.

The Washington Free Beacon: PBS Airs Anti-Pruitt Documentary Funded By Environmentalist Group Backer

A new PBS Frontline documentary that paints Environmental Protection Agency administrator Scott Pruitt as a tool for the fossil fuel industry received major funding from a group that has given hundreds of thousands of dollars to environmentalist activists like the Sierra Club. The documentary, "War on the EPA," received major support from the Kendeda Fund, an Atlanta-based nonprofit focused on the environment and sustainability. The documentary features interviews with numerous Obama administration backers, including Gina McCarthy, the former EPA administrator, and Betsy Southerland, a former EPA director making $250,000 who claimed earlier this year she resigned in protest because of the Trump administration's budget. Southerland was eligible for early retirement and told coworkers she was retiring because of family issues.

The Washington Post: EPA Administrator Pruitt issues directive to curb settlements with outside groups

Environmental Protection Agency Administrator Scott Pruitt issued a directive on Monday to constrain the type of legal agreements the EPA can reach with groups pressuring it to regulate, a move he said could be copied by other federal agencies. Ending the practice known as “sue and settle” has long been a top priority for conservatives and business groups. In recent years, especially under the Obama administration, the EPA and other agencies resolved litigation over delays in issuing rules by agreeing to specific timelines to act and reimbursing plaintiffs’ attorney fees. In a news briefing, Pruitt said he was taking action to ensure that consent decrees “are not used in an abusive fashion to subvert due process” and to exclude the public from weighing in.

Red State: Scott Pruitt Ends EPA Welfare Payments To Environmental Groups

One of the most egregious things about the EPA has always been the way it operated for the

benefit of the large "environmental" groups and against the interests of states, communities, and individuals. Perhaps the worst part of this criminal collusion was the way the EPA used lawsuits against the EPA, coordinated with environmental groups, to short-circuit the rule-making process, deprive the public of a their right to petition the government, and keep the coffers of environmental groups topped off with EPA cash… Sometimes decrees were negotiated and approved that exceeded the authority of the court approving the decree…this is a different but related issue of the EPA and environmentalist groups cherry-picking courts and judges.

Talking Points Memo: EPA Chief Pruitt Looks To Kneecap Environmental Groups With New Policy

The head of the Environmental Protection Agency in effect declared trench warfare on environmental groups on Monday, ending a practice he dubbed "Sue & Settle" by which the EPA would often settle lawsuits brought by outside groups in an attempt to get the agency to enforce its own rules. "As of today with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told a small group of reporters, including TPM, Monday morning at the EPA. "It's a regulation through litigation process." Pruitt painted the policy as a way that environmental groups profited off the agency during the Obama years, while those groups worked together to circumvent the normal rule-making process and create more stringent environmental regulations.

The Daily Caller: Trump's EPA Is Cracking Down On 'Sue And Settle' Lawsuits

Environmental Protection Agency (EPA) Administrator Scott Pruitt signed a directive ending an Obama-era legal practice that conservatives criticized as giving outside activists control of the regulatory process. "The days of regulation through litigation are over," Pruitt said in a statement issued Monday. Pruitt's order curbs the number of cases EPA settles with outside activist groups that file so-called "citizen suits." Outside groups, especially environmentalists, file citizen suits to force a federal agency to begin the rulemaking process. During the settlement process, environmentalists and government lawyers get to set new timetables for new regulations. States, industry groups and other third parties are largely left out of the settlement process.

The Washington Times: EPA to end Obama-era 'sue and settle' practice

The Trump administration on Monday took steps to end the highly controversial "sue and settle" practice that led directly to a host of environmental regulations throughout former President Obama's tenure. In an agency-wide directive, Environmental Protection Agency Administrator Scott Pruitt said the process has "harmed the American public" and kept citizens in the dark about exactly how rules and regulations are made. "The days of regulation through litigation are over," Mr. Pruitt said in a statement. "We will no longer go behind closed doors and use consent

decrees and settlement agreements to resolve lawsuits filed against the agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle."

Fox News: EPA's Pruitt moves to end Obama-era practice of 'sue and settle' with environmentalists

EPA Administrator Scott Pruitt moved Monday to end a controversial practice known as "sue and settle," which critics said was used during the Obama administration to cut deals with environmental groups leading to new regulations. "The days of regulation through litigation are over," Pruitt said in a statement, announcing a new EPA directive Republicans, including Pruitt, had fought with the Obama administration in court over what they described as a back-room practice that led to more red tape. They claimed the EPA routinely entered into consent decrees with environmental groups that had sued the agency, in turn leading to new regulations for states – covering clean air rules and more – without allowing them to defend their interests.

Reuters: U.S. EPA head seeks to avoid settlements with green groups

The head of the U.S. Environmental Protection Agency issued a directive to his agency on Monday seeking to end the practice of settling lawsuits with environmental groups behind closed doors, saying the groups have had too much influence on regulation. EPA Administrator Scott Pruitt, who sued the agency he now runs more than a dozen times in his former job as attorney general of oil producing Oklahoma, has long railed against the so-called practice of "sue and settle." The EPA under former President Barack Obama quietly settled lawsuits from environmental groups with little input from regulated entities, such as power plants, and state governments, he argues. The directive seeks to make EPA more transparent about lawsuits by reaching out to states and industry that could be affected by settlements, forbidding the practice of entering into settlements that exceed the authority of courts, and excluding attorney's fees and litigation costs when settling with groups.

The Washington Examiner: Trump's EPA sets precedent by becoming first agency to end 'sue and settle' practice

The Environmental Protection Agency on Monday became the first of President Trump's agencies to issue an order barring the agency from being drawn into court settlements that alter environmental outcomes to the liking of environmental and other special interest groups. "The days of regulation through litigation are over," EPA chief Scott Pruitt declared in a statement. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would

circumvent the regulatory process set forth by Congress."

Western Journalism: Trump's EPA Closes 'Regulation Thru Litigation' Loophole

EPA Administrator Scott Pruitt has announced that the agency will immediately attempt to avoid entering into legal settlements with environmentalist groups seeking to use the power of the courts to force the agency into implementing unwanted rules and regulations. "As of today, with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told reporters at a briefing Monday, referencing an agency-wide memo issued earlier. This practice, described by Pruitt as "regulation through litigation," involved environmental groups trying to "bypass" the traditional regulatory process by suing the EPA, forcing the agency into settlements, Bloomberg reported.

Time: The EPA Is Ending an Obama-Era Practice That Conservatives Say Sped Up New Rules

The Environmental Protection Agency will stop issuing new environmental regulations in response to lawsuits from outside groups, ending a practice that conservatives say had been used by environmental groups during the Obama Administration to speed up the process, the agency's head said Monday. In a briefing for reporters, EPA Administrator Scott Pruitt said that the reversal was a matter of following proper procedure. "We are no longer going to be engaged in that practice," EPA Administrator Scott Pruitt said in a briefing for reporters. "It's a very important day to make sure that as we engage in our rulemaking process we respect the process that Congress has established."

-

National Afternoon News Highlights 10.16.17

The Washington Examiner: Federal judge in Bob Menendez bribery case strikes down request for acquittal

A federal judge overseeing the bribery case against Sen. Bob Menendez, D-N.J., says he won't dismiss any of the charges against the senator, leaving it up to the jury to decide his fate. On Monday, Judge William Walls ruled against the defense's argument to drop the charges against the New Jersey lawmaker, claiming that they did not meet the definition of bribery under the 2016 Supreme Court decision against former Virginia Gov. Bob McDonnell. The Democratic senator is facing 18 criminal counts alongside his friend and wealthy Floridian, Dr. Salomon Melgen.

The Hill: Ryan projects House will pass tax bill by early November

Speaker Paul Ryan (R-Wis.) offered an ambitious timeline on Monday for when Congress will enact tax reform this year, starting with House passage of a bill in the next month. Ryan predicted in an interview with Milwaukee radio station WTMJ that tax overhaul legislation would pass in the House by "early November" and make it through the Senate to President Trump's desk by the end of December. Formal legislation to reform the tax code has not yet been released. The House adopted a budget resolution earlier this month to unlock budgetary rules known as reconciliation so that Republicans can pass tax reform and circumvent a Democratic filibuster in the Senate.

Fox News: Trump, McConnell pledge unity on tax reform, health care after feud

President Trump exited a White House meeting Monday with Sen. Mitch McConnell saying his relationship with the Senate majority leader is "better than ever" and they are working together on major legislative priorities including tax and health care reform. "We've been friends for a long time," Trump said at a Rose Garden press conference following his meeting with McConnell, with whom he had a public falling out this summer. "We're fighting for big tax cuts. ... My relationship with this gentleman has been outstanding." Trump also said they are working on a measure to repeal and replace ObamaCare by early next year.

TRUMP TWEETS

Bloomberg

https://www.bloomberg.com/news/articles/2017-10-16/trump-s-epa-swears-off-settling-lawsuits-with-environmentalists

Trump's EPA Swears Off Settling Lawsuits With Environmentalists

By Jennifer Dlouhy, 10/16/17

The Trump administration moved Monday to curb settlements with environmentalists, instead vowing to fight cases designed to force the Environmental Protection Agency to take action.

EPA Administrator Scott Pruitt said he is ending a "sue-and-settle" practice that has resulted in committing the agency to regulating greenhouse gas emissions from power plants and refineries, among other things.

“As of today with this directive and the memorandum, we’re no longer going to be involved in that practice,” Pruitt told reporters at a briefing Monday.

Pruitt promised in an address to EPA employees in February to avoid "regulation through litigation" and later instructed agency staff to limit the practice. Separately, Attorney General Jeff Sessions has barred federal attorneys from negotiating settlements that result in payments from companies to third-party organizations, such as environmental groups.

But Pruitt’s new directive makes it formal. Under the policy, the agency will publicize legal petitions that could lead to settlements and proposed agreements. The EPA also will not agree to substantively change regulatory timelines -- such as making commitments to rapidly issue rules -- through the settlement process.

The move takes aim at a practice conservatives have long criticized as empowering environmental groups to force federal agencies to issue regulations and commit to timelines for imposing them. Agencies that agree to settle with those groups -- and stop defending themselves in court -- generally negotiate the agreements privately, without the kind of public process that typically guides federal rulemaking. The resulting agreements effectively allow outside groups to hijack a federal agency’s agenda, opponents say.

“It’s a regulation through litigation process" that serves to "bypass" the formal rulemaking process, Pruitt told reporters at a briefing Monday. “As of today with this directive and the memorandum, we’re no longer going to be involved in that practice.”

Recent U.S. clean air rules have been driven by such legal settlements, including former President Barack Obama’s Clean Power Plan, which aims to pare greenhouse gas emissions from electricity. Pruitt’s EPA proposed repealing that initiative last week.

In December 2010, the EPA pledged to set curbs on carbon dioxide emissions from power plants and oil refineries as part of a settlement with environmental groups and more than a dozen state and local governments. The EPA blew the deadline for the power plant rule -- originally due in May 2012, though finally imposed more than three years later -- and never finalized similar standards for refineries.

“There is a time to settle cases," Pruitt said. "This is not a statement against consent decrees generally or settlements generally. It’s the abuses around those practices that we are aiming at here” to make sure they are not used to “subvert” the process.

This is going to be applied "across the board," with every plaintiff that sues the agency. "This is not particular to one type of plaintiff," Pruitt said.

The EPA settled more than 60 lawsuits with outside groups between 2009 and 2012, resulting in more than 100 new regulations, according to the U.S. Chamber of Commerce, which has criticized the practice.

"Over the past decade, the business community has expressed growing concern about interest groups using lawsuits against federal agencies and subsequent consent decrees approved by a court as a shortcut technique to influence agencies’ regulatory agendas," Chamber senior vice president William Kovacs told a House subcommittee hearing in May.

Advocacy groups sometimes sue to compel federal agencies to act when they are slow to finalize requirements or are ignoring an issue altogether. For instance, the EPA settlement on greenhouse gases from power plants and refineries came in part because the agency did not tackle the issue despite a 2009 conclusion that the emissions endanger the public health and welfare.

The federal government doesn’t just settle lawsuits with environmental organizations. Lawsuits filed by trade associations and special interest groups as well as corporations are also fair game for legal settlements.

Any policy that discourages negotiations aimed at resolving those lawsuits early could lead to more protracted court battles, legal experts said.

"Lawsuits are incredibly expensive," said Joshua Galperin, a research scholar at Yale Law School. "Environmental groups and industry groups both -- and those are the groups who sue EPA -- they're both well-funded" and "can continue the process of a lawsuit really as long as it takes."

The Washington Free Beacon

http://freebeacon.com/politics/pbs-airs-anti-pruitt-documentary-funded-environmentalist-group-backer/

PBS Airs Anti-Pruitt Documentary Funded By Environmentalist Group Backer

By Elizabeth Harrington, 10/16/17

A new PBS Frontline documentary that paints Environmental Protection Agency administrator Scott Pruitt as a tool for the fossil fuel industry received major funding from a group that has given hundreds of thousands of dollars to environmentalist activists like the Sierra Club.

The documentary, "War on the EPA," received major support from the Kendeda Fund, an Atlanta-based nonprofit focused on the environment and sustainability.

The documentary features interviews with numerous Obama administration backers, including Gina McCarthy, the former EPA administrator, and Betsy Southerland, a former EPA director making $250,000 who claimed earlier this year she resigned in protest because of the Trump administration's budget. Southerland was eligible for early retirement and told coworkers she was retiring because of family issues.

Southerland tells PBS that Pruitt's EPA is a "clear and present danger to public health and safety in this country."

The documentary calls critics of the Obama administration's wide-ranging regulatory actions targeting the coal industry and nuclear power plants "climate deniers" and "extreme." The PBS narrator refers to Sen. James Inhofe (R., Okla.) as "the Senate's leading climate change denier" and features Jane Mayer, a journalist with the New Yorker, calling the Trump EPA "radical."

"What you see now in the Trump administration is the triumph of the anti-environmental movement," Mayer says. "They are now in control of the government and in control of the regulatory process in a kind of a brazen way we haven't seen before."

Obama administration alums are depicted as crusaders against pollution, as they appear in interviews dismayed by President Trump and Pruitt following through on campaign promises to roll back environmental regulations.

Gina McCarthy said the repeal of the Clean Power Plan, which was blocked by the Supreme Court and could have shrunk the coal industry by nearly half, was "disturbing."

Eric Schaeffer, a former EPA director of civil enforcement, called Pruitt's EPA a "hostile takeover" and a "political operation."

Jerry Taylor, a former fellow at the Cato Institute who now is in favor of a carbon tax, tells PBS the "conservative narrative" of a war on coal was "disconnected from reality."

PBS does not include clips in the documentary of Obama and Hillary Clinton discussing the coal industry. Obama said, "electricity rates would necessarily skyrocket" under his cap and trade plan, while Clinton boasted during a debate, "We are going to put a lot of coal miners and coal companies out of business."

PBS also interviews Eric Lipton of the New York Times, who was bothered by paintings in Pruitt's old attorney general office in Oklahoma that pictured sheriffs in the Old West and a

Native American sheriff.

"When I first got to [Pruitt's] office, there were these large paintings on the wall," Lipton said. "It just struck me that this was the real Wild West, that we will dispense our own justice." The camera zoomed in on the painted gun in a holster, as ominous music played.

PBS also attempts to tie Pruitt to the Koch brothers and paints a picture of the administrator receiving dark money from oil and gas companies.

PBS says, "Much of the Koch's fortune came from oil and gas, and they would spend millions opposing Obama's initiatives."

The documentary received major funding from Kendeda, which in turn has donated to many liberal groups that lobby for climate change regulations. On its website, Kendeda encourages "activism that promotes solutions to the social and equity challenges caused by climate change."

Kendeda has donated to numerous environmentalist activist organizations, including: $70,000 to the Sierra Club, $50,000 to Earthjustice, $50,000 to the Southern Alliance for Clean Energy, and $500,000 to the U.S. Climate Action Network in 2015.

A spokesperson for WGBH, which put on the documentary, told the Free Beacon that the Kendeda Fund did not directly fund the documentary.

"The Kendeda Fund provides support to many organizations and groups, including schools and military families, and they have provided funding to WGBH under their People, Place, and Planet program for use in a variety of WGBH programs," said Jeanne Hopkins, vice president for communications. "Some was used to support this FRONTLINE film, along with its many other funding sources. They did not directly fund this program."

"War on the EPA was a political story full of voices on both sides of a contentious issue,"

Hopkins continued. "The film spent considerable time illuminating the roots of conservative thinking and action towards the EPA and featured key figures from industry and the movement around Scott Pruitt, including Bob Murray, CEO of Murray Energy and Myron Ebell, the head of President Trump's EPA transition team."

The group also donated $250,000 to the New Venture Fund, which also supports environmentalist organizations. The same year, New Venture Fund donated $515,000 to the Sierra Club Foundation and $95,000 to 350.org, which vows to "stop fossil fuels."

The documentary also features Andrew Miller, a lobbyist for Southern Company, who was asked by PBS if it was "unseemly" that oil and gas companies lobbied against Obama's environmental regulations and that Pruitt and other Republican attorneys general filed lawsuits to stop the rules.

"Not at all," Miller said. "And the reason I say that is you have the Sierra Club partnering with attorneys general on the other side."

"It's all part of the Democratic process," he said.

The Washington Post

https://www.washingtonpost.com/politics/epa-administrator-pruitt-issues-directive-to-curb-settlements-with-outside-groups/2017/10/16/b62967ba-b280-11e7-be94-fabb0f1e9ffb_story.html?utm_term=.aaefc224f3ed

EPA Administrator Pruitt issues directive to curb settlements with outside groups

By Juliet Eilperin, 10/16/17

Environmental Protection Agency Administrator Scott Pruitt issued a directive on Monday to constrain the type of legal agreements the EPA can reach with groups pressuring it to regulate, a move he said could be copied by other federal agencies.

Ending the practice known as "sue and settle" has long been a top priority for conservatives and business groups. In recent years, especially under the Obama administration, the EPA and other agencies resolved litigation over delays in issuing rules by agreeing to specific timelines to act and reimbursing plaintiffs' attorney fees.

In a news briefing, Pruitt said he was taking action to ensure that consent decrees "are not used in an abusive fashion to subvert due process" and to exclude the public from weighing in.

"It's very important that we do not get engaged in regulation through litigation," he said. "This is something that is a long time coming with respect to this agency."

Pruitt said his action will not bar the EPA from reaching settlements with outside litigants but that he wanted to block any agreements "changing a discretionary duty to a nondiscretionary duty."

He said it also was important to end the payout of attorney fees, since such settlements have "no prevailing party" and some payments are part of informal agreements that cannot be easily tracked.

The directive will provide for greater disclosure of potential settlements by directing the EPA to publish any notice of intent to sue within 15 days of receiving it; reaching out to states and any other entities potentially affected by such suits; and posting any proposed or modified consent decrees and settlements for a 30-day public comment period.

His push is part of a broader effort by the Trump administration to limit federal funding to outside groups as part of litigation. In June, Attorney General Jeff Sessions issued a memo to block payments to third-party, not-for-profit groups as part of environmental settlements. Instead of allowing defendants to fund environmental measures as a way of meeting their obligations for violating the law, Sessions argued, such penalties should go directly to the U.S. Treasury.

But environmentalists question whether Pruitt's directive, inspired by a memorandum that then-Attorney General Edwin Meese issued in the 1980s, will have much direct impact. The Clean Air Act and other environmental laws provide citizens and outside groups broad latitude to sue the EPA when it is failing to meet statutory deadlines, and the judge handling such cases typically determines the amount of legal fees the government must pay as part of any consent decree.

"That's not his decision to make," John Walke, of the Natural Resources Defense Council's Clean Air Project, said in an interview Monday. "A judge can impose attorney fees when an agency violates the law and citizens file suit to hold the government accountable."

The Clean Air Act already requires the EPA and the Justice Department to provide a 30-day public comment period for all consent decrees and settlement agreements before they are finalized or filed with a court, Walke said. Pruitt's action is "a lot of political puffery," he said.

Pruitt emphasized that some agreements the Obama administration reached with environmental groups, such as one aimed at curbing regional haze, were forged without the input of affected states. In that particular case, he noted, North Dakota sought to intervene but was excluded. Nonetheless, the consent decree "imposed obligations" on North Dakota once it was finalized.

The Government Accountability Office, which published a 2014 report on the EPA's practice of settling with outside groups, found that the agreements it examined had only "limited" impact on the agency's rulemaking process.

Officials in the agency's air quality office, according to the GAO, "said that deadline suits affect the timing and order in which rules are issued but not which rules are issued."

Red State

https://www.redstate.com/streiff/2017/10/16/scott-pruitt-epa-sue-and-settle/

Scott Pruitt Ends EPA Welfare Payments To Environmental Groups

By Strieff, 10/16/17

One of the most egregious things about the EPA has always been the way it operated for the benefit of the large "environmental" groups and against the interests of states, communities, and individuals. Perhaps the worst part of this criminal collusion was the way the EPA used lawsuits against the EPA, coordinated with environmental groups, to short-circuit the rule-making process, deprive the public of a their right to petition the government, and keep the coffers of environmental groups topped off with EPA cash.

his is how it worked:

"Sue and Settle " practices, sometimes referred to as "friendly lawsuits", are cozy deals through which far-left radical environmental groups file lawsuits against federal agencies wherein court-ordered "consent decrees" are issued based upon a prearranged settlement agreement they collaboratively craft together in advance behind closed doors. Then, rather than allowing the entire process to play out, the agency being sued settles the lawsuit by agreeing to move forward with the requested action they and the litigants both want.

In other words, the agency throws the case, somewhat like Bre'r Rabbit agreeing to be thrown into a favorite brier-patch. A big difference however, is that in this case, Farmer McGregor andMr. Rabbit were partners in the scam from the beginning. It's the unwary American public that actually does get caught in the thorns.

While the environmental group is given a seat at the table, outsiders who are most impacted are excluded, with no opportunity to object to the settlements. Accordingly, both the litigants and the defendant agency, operating in coffee bars and friendly courtroom shadows, avoid the harsh outside glare of oversight. No public notice about the settlement is released until the agreement is filed in court…after the damage has been done.

Sometimes decrees were negotiated and approved that exceeded the authority of the court approving the decree…this is a different but related issue of the EPA and environmentalist groups cherry-picking courts and judges. Not only do the 'green' groups often get cash payouts above and beyond attorney's fees, the policies they impose are often detrimental and would never have been enacted had state and local officials had the opportunity to weigh in:

The Chamber's study author, William Yeatman, Assistant Director for Energy and Environment at the Competitive Enterprise Institute (CEI), emphasizes that EPA's abuse of its Regional Haze authority forces states to relinquish their authority and accept EPA's far more expensive plans, thereby increasing consumer utility charges. He concluded that: "… no state is immune from having its rightful Regional Haze authority trampled by EPA at profound costs for virtually nonexistent benefits."

Having conducted eight state case studies, Yeatman found that:

•□□□□□□□□ In Arizona, EPA's Regional Haze regulation threatens to increase the cost of water, forcing the state to spend an additional $90.2 million per year to implement the federal regulation.

•□□□□□□□□ In Montana, EPA's proposed Regional Haze controls are nearly 250% more expensive than what that agency's standing rules presume to be "cost-effective" for compliance,

•□□□□□□□□ In 2011, the EPA disregarded New Mexico's Regional Haze plan, instead imposing a federal plan that requires nearly $840 million more in capital costs…potentially raising average annual household utility bills by $120.

•□□□□□□□□ Although North Dakota is one of only 12 states that achieves all of EPA's air quality standards for public health, it would not be able to achieve EPA's Regional Haze goals for visibility even by shutting down all industry. The EPA plan would also cost the state an additional $13 million per year,

•□□□□□□□□ Refusing to approve Oklahoma's Regional Haze plan, the EPA's plan would cost the state $282 million annually.

•□□□□□□□□ In Wyoming, the EPA proposed a federal implementation plan that would cost almost $96 million per year more than the state's plan.

•□□□□□□□□ Minnesota is subject to back-to-back Regional Haze regulations, whereby EPA is claiming authority to regulate regional haze twice in succession at its Sherburne County generating plant.

•□□□□□□□□ EPA's proposed plan would cost Nebraska nearly $24 million per year to achieve invisible "benefits".

The deals were cloaked in secrecy and top EPA officials were very much hands-on in working to use these agreements to keep the public in the dark:

Unfortunately, getting federal agencies to comply with formal FOIA requests isn't proving to be easy. And to make matters worse, there is evidence that top bureaucrats have even used private e-mail accounts and aliases to cover culpability tracks.

For example, Senator Vitter, along with Representative Darrell Issa (R-Calif.) who heads the House Oversight and Government Reform Committee, recently sent a letter to James Martin, EPA's Region 8 administrator, warning him: "The use of personal, non-official e-mail accounts raises concerns that you could be attempting to insulate this and other e-mail correspondence from a Freedom of Information Act request. Moreover, your actions may also constitute violation of the Federal Records Act"…evading congressional oversight of federal agencies.

One of those private e-mails at issue involved an exchange between Martin and Vickie Patton, the General Counsel for the Environmental Defense Fund, regarding an arranged meeting with him. Patton wrote: "Hi Jim, Next Monday or Tuesday December 12/13 at 9am depending on which is best for you." Responding, Martin replied: "January 13 at 9:00 am works for me if it works for you. (Lost your original note-is that the date and time you proposed?" Vitter and Issa have confirmed that the meeting did, in fact, take place at the EPA regional office.

Several Martin e-mails were released by EPA as the result of a FOIA lawsuit lodged by Christopher Horner of the Competitive Enterprise Institute. Horner's efforts also revealed evidence that former EPA Administrator Lisa Jackson was conducting official agency business under cover of the alias name "Richard Windsor", and CEI also sued EPA seeking e-mails concerning the EPA's behind-the-scenes regulatory war on coal plants. Horner's new book, The Liberal War on Transparency, discusses this and other tricks.

Suspicions abound that the exposure of Jackson's undercover communications had much to do with her departure decision shortly afterwards. Senator Vitter commented: "I think this e-mail issue clearly spurred Lisa Jackson's resignation. But it's much broader than her. It's about a culture of hiding an extreme agenda from Americans because it can't be sustained in public debate."

For more information you need to read this report by Heritage and these links from US Chamber of Commerce (here | here).

Shortly after he was nominated, EPA Administrator Scott Pruitt said that he would end this anti-democratic process. Today he delivered.

In fulfilling his promise to end the practice of regulation through litigation that has harmed the American public, EPA Administrator Scott Pruitt issued an Agency-wide directive today designed to end "sue and settle" practices within the Agency, providing an unprecedented level of public participation and transparency in EPA consent decrees and settlement agreements.

"The days of regulation through litigation are over," said EPA Administrator Scott Pruitt. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle."

…

"Sue and settle" cases establish Agency obligations without participation by states and/or the regulated community; foreclose meaningful public participation in rulemaking; effectively force the Agency to reach certain regulatory outcomes; and, cost the American taxpayer millions of dollars.

Read the whole letter.

Of course, the EPA is still bound by past shenanigans but going forward the 'green' groups will find the EPA is not a willing partner in litigation.

Talking Points Memo

http://talkingpointsmemo.com/dc/epa-chief-scott-pruitt-looks-to-kneecap-environmental-groups-

with-new-sue-and-settle-policy

EPA Chief Pruitt Looks To Kneecap Environmental Groups With New Policy

By Cameron Joseph, 10/16/17

The head of the Environmental Protection Agency in effect declared trench warfare on environmental groups on Monday, ending a practice he dubbed "Sue & Settle" by which the EPA would often settle lawsuits brought by outside groups in an attempt to get the agency to enforce its own rules.

"As of today with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told a small group of reporters, including TPM, Monday morning at the EPA. "It's a regulation through litigation process."

Pruitt painted the policy as a way that environmental groups profited off the agency during the Obama years, while those groups worked together to circumvent the normal rule-making process and create more stringent environmental regulations.

"We should engage in rule-making that takes into consideration the voices that will be impacted across the country," he said. "What this sue-and-settle practice has done historically has bypassed that altogether."

The rule change could force environmental groups to spend much more time and effort on lawsuits aimed at making the EPA enforce its own rules and abide by agreed-upon timelines—spreading them thinner and making it harder for them to expend effort on other, more complicated cases. The EPA's decision to refuse to reimburse lawyers' fees also could be costly to environmental groups, as well as make it harder and less likely for average citizens and localities to undertake lawsuits to get the EPA to do what it's legally required to do.

Pruitt pledged that the agency would no longer reimburse attorneys' fees in cases where it decides to avoid a lawsuit, arguing that both environmental and business groups had abused it to enrich themselves in the past.

"This is not particular to one type of plaintiff," he said. "There should be no attorneys' fees paid, period, no matter who the plaintiff is."

Combined with measures to slash staff, a pattern of issuing fewer and lighter fines, and the rollback of Obama-era rules that crack down on greenhouse gas emissions from power plants to mitigate the effects of climate change, Pruitt's latest move is part of an overall shift at Trump's EPA that's radically more friendly to big business and hostile towards environmental groups.

The U.S. Chamber of Commerce, for instance, has railed against "Sue & Settle" for years.

The new memorandum formalizes a position of fighting every lawsuit tooth-and-nail that Pruitt had announced early in his tenure at the EPA. Back in February, he'd promised he wouldn't allow "regulation through litigation." The Justice Department also has stopped negotiating settlements that end up with payments to outside groups to cover attorneys' or other fees.

Fewer than a dozen reporters were included at the event with Pruitt, and some of them, including TPM, rarely if ever cover the environmental beat closely—a fact that frustrated some environmental reporters who weren't invited to attend:

Hear the full audio of the event below:

https://soundcloud.com/user-850821996/epa-administrator-scott-pruitt-speaks-to-reporters

The Daily Caller

http://dailycaller.com/2017/10/16/trumps-epa-is-cracking-down-on-sue-and-settle-lawsuits/?utm_source=site-share

Trump's EPA Is Cracking Down On 'Sue And Settle' Lawsuits

By Mike Bastasch, 10/16/17

Environmental Protection Agency (EPA) Administrator Scott Pruitt signed a directive ending an Obama-era legal practice that conservatives criticized as giving outside activists control of the regulatory process.

"The days of regulation through litigation are over," Pruitt said in a statement issued Monday.

Pruitt's order curbs the number of cases EPA settles with outside activist groups that file so-called "citizen suits." Outside groups, especially environmentalists, file citizen suits to force a federal agency to begin the rulemaking process.

During the settlement process, environmentalists and government lawyers get to set new timetables for new regulations. States, industry groups and other third parties are largely left out of the settlement process.

Republicans and conservative legal scholars labelled the practice "sue and settle" since the Obama administration often settled with outside groups, effectively giving activists control of the environmental regulatory agenda.

Pruitt also targeted the attorneys fees paid out to outside groups suing EPA to force a rulemaking. A 2016 Daily Caller News Foundation investigation found federal agencies pay out at least $50 million in attorneys fees for "sue and settle" cases since 2009.

A 2013 study by the U.S. Chamber of Commerce identified at least 71 lawsuits between 2009 and 2012 as "sue-and-settle" cases, and these resulted in more than 100 new regulations — many of which cost more than $100 million a year.

The Obama administration's Clean Power Plan, for example, is the result of a "sue and settle" lawsuit. EPA began the process of repealing that regulation last week.

"We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress," Pruitt said.

Pruitt's policy requires EPA to publish all citizen suits and settlements online for the public to see. EPA will also be limited in what kinds of settlements it can make with activists, and officials must reach out to states and other third parties.

Environmentalists weren't very happy with Pruitt's directive.

Federal environmental laws give individuals and groups the ability to sue agencies that don't issue a regulation by a statutory deadline. Groups that sue can also get their attorneys fees reimbursed.

EPA is just one of the many federal agencies activists sue every year to force new regulations. The U.S. Fish and Wildlife Service is the focus of many lawsuits, demanding the agency issue ruling on whether or not certain species are endangered.

Federal agencies paid out $30 million to attorneys for 237 citizen suits under the Endangered Species Act, a 2016 DCNF investigation found.

The Washington Times

http://www.washingtontimes.com/news/2017/oct/16/epa-end-obama-era-sue-and-settle-practice/

EPA to end Obama-era 'sue and settle' practice

By Ben Wolfgang, 10/16/17

The Trump administration on Monday took steps to end the highly controversial "sue and settle" practice that led directly to a host of environmental regulations throughout former President Obama's tenure.

In an agency-wide directive, Environmental Protection Agency Administrator Scott Pruitt said the process has "harmed the American public" and kept citizens in the dark about exactly how rules and regulations are made.

"The days of regulation through litigation are over," Mr. Pruitt said in a statement. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle."

Sue and settle, which became commonplace during Mr. Obama's tenure as his EPA developed tight-knit relationships with top environmental groups, essentially is a way to circumvent the formal rulemaking procedures. Under the practice, sometimes called "friendly lawsuits," an outside group would sue a department or agency — in this case, the EPA — and ask that certain regulatory steps be taken, or that entirely new regulations be put in place.

Often, the agency would agree to settle the case outside of court, and the settlement agreement would provide a legal loophole for the EPA to simply enact the changes the outside organization sought without having to go through the traditional rule-making process, which requires public comment, draft proposals, and a host of other steps designed to keep the public informed.

Numerous Obama-era environmental policies were initially put in place as a result of sue and settle. They include: the Mercury Air Toxics Standards for Utilities rule; Regional Haze rules; Chesapeake Bay Clean Water Act rules; and many others related to air quality and energy exploration, according to a list released last month by the U.S. Chamber of Commerce.

Critics of sue and settle say that regardless of one's opinion on climate change and environmental regulation, the practice itself is highly secretive and one of the worst examples of

government colluding with outside groups.

"These egregious antics have effectively handed over the setting of agency priorities to environmental pressure groups, led to rushed rulemaking, and even altered the substance of regulations before they have been published," said Daren Bakst, research fellow in agricultural policy at the conservative Heritage Foundation. "The EPA is making it clear that the public and the integrity of the rulemaking process are no longer going to be sacrificed for the political objectives of narrow interests."

Fox News

http://www.foxnews.com/politics/2017/10/16/epas-pruitt-moves-to-end-obama-era-practice-sue-and-settle-with-environmentalists.html

EPA's Pruitt moves to end Obama-era practice of 'sue and settle' with environmentalists

By Staff, 10/16/17

EPA Administrator Scott Pruitt moved Monday to end a controversial practice known as "sue and settle," which critics said was used during the Obama administration to cut deals with environmental groups leading to new regulations.

"The days of regulation through litigation are over," Pruitt said in a statement, announcing a new EPA directive

Republicans, including Pruitt, had fought with the Obama administration in court over what they described as a back-room practice that led to more red tape. They claimed the EPA routinely entered into consent decrees with environmental groups that had sued the agency, in turn leading to new regulations for states – covering clean air rules and more – without allowing them to defend their interests.

"We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress," Pruitt said in a statement Monday.

Under the new policy, Pruitt said that whenever a settlement or consent decree is being considered, the EPA should reach out to any states or entities affected. He also wants to make sure related complaints or notices are published promptly, to forbid consent decrees "that exceed the authority of the courts," and to give time to modify proposed regulations and consider public comment.

Pruitt was one of the most outspoken critics of "sue and settle" during the Obama administration, when as Oklahoma attorney general he participated in multiple lawsuits against the agency he now leads.

Pruitt claimed at the time that dozens of lawsuits filed by environmental groups led to settlement arrangements that included terms beyond the guidelines approved by Congress.

The Obama EPA denied this at the time, maintaining that outside groups could not compel the agency to take any action they weren't already compelled to take by law.

Environmental groups could respond with more court action. The Sierra Club on Monday retweeted an environmentalist who predicted: "Scott Pruitt will be spending a lot more of your taxpayer dollars defending his inaction in court."

Reuters

http://news.trust.org/item/20171016165200-tm1oe/

U.S. EPA head seeks to avoid settlements with green groups

By Timothy Gardner, 10/16/17

The head of the U.S. Environmental Protection Agency issued a directive to his agency on Monday seeking to end the practice of settling lawsuits with environmental groups behind closed doors, saying the groups have had too much influence on regulation.

EPA Administrator Scott Pruitt, who sued the agency he now runs more than a dozen times in his former job as attorney general of oil producing Oklahoma, has long railed against the so-called practice of "sue and settle." The EPA under former President Barack Obama quietly settled lawsuits from environmental groups with little input from regulated entities, such as power plants, and state governments, he argues.

The directive seeks to make EPA more transparent about lawsuits by reaching out to states and industry that could be affected by settlements, forbidding the practice of entering into settlements that exceed the authority of courts, and excluding attorney's fees and litigation costs when settling with groups.

Most lawsuits by green groups on the agency seek to push the agency to speed up regulation on issues such as climate and air and water pollution, studies have shown.

"The days of regulation through litigation are over," Pruitt said. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the agency."

Pruitt's order was supported by conservative groups.

Daren Bakst, a research fellow in agricultural policy at the Heritage Foundation think tank, said sue and settle has led to "egregious antics" that have "effectively handed over the setting of agency priorities to environmental pressure groups," and has led to rushed rulemaking by the agency.

But Pat Parenteau, an environmental law professor at the Vermont Law School, said Pruitt's directive would be "counterproductive" and costly because in the end courts could fine the agency if it does not meet compliance dates for issuing regulations.

"He can fight it if he wants as long as he wants, and spend as much money as he wants," Parenteau said. "But in the end if you've missed a statutory deadline, you are going to be ordered (by a court) to comply and then you are going to be ordered to pay fees."

The Washington Examiner

http://www.washingtonexaminer.com/trumps-epa-sets-precedent-by-becoming-first-agency-to-end-sue-and-settle-practice/article/2637650

Trump's EPA sets precedent by becoming first agency to end 'sue and settle' practice

By John Siciliano, 10/16/17

The Environmental Protection Agency on Monday became the first of President Trump's agencies to issue an order barring the agency from being drawn into court settlements that alter environmental outcomes to the liking of environmental and other special interest groups.

"The days of regulation through litigation are over," EPA chief Scott Pruitt declared in a statement. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress."

Pruitt's order would also end the practice of paying out "tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle," Pruitt added.

The litigation tool, commonly referred to as "sue and settle," was used with great success by environmental groups under the Obama administration to force a regulatory process behind closed doors, according to Pruitt. The Sierra Club, for example, used the legal tactic often as part of its "Beyond Coal" campaign program to force coal-fired power plants into early retirement.

It is a tactic that has served the environmental community well over the last decade. But EPA Administrator Scott Pruitt sought to change all of that on Monday through a new agency-wide policy to bar it from entering settlements where all affected stakeholders would be not be included in the final court-enforced settlement and consent decree.

Industry groups like the Chamber of Commerce have lobbied consistently against the practice of sue and settle, and Republicans on Capitol Hill have introduced legislation to confront the issue in recent years without much success.

It is "something a long time coming … and a very important day," Pruitt told reporters early Monday morning ahead of signing a memorandum directing the agency not to enter into sue and settle agreements.

"We are no longer going to be engaged in that practice anymore," he said. "What this sue and settle process has done is bypass the regulatory process altogether."

He called the practice "wrong," and said the agency is "the first agency to issue this directive in a memorandum" to challenge and stop abuse of the sue and settle process.

"It is a practice not unique to the EPA," but the number of cases brought to the agency to enter court-enforced settlements has placed it "in first place," Pruitt added.

"We are the first agency to take this action," he said, although Attorney General Jeff Sessions is "keenly interested" in engaging the issue of sue and settle across the government.

Pruitt said that "other agencies are taking notice as well."

Western Journalism

https://www.westernjournalism.com/trumps-epa-closes-regulation-thru-litigation-loophole/

Trump's EPA Closes 'Regulation Thru Litigation' Loophole

By V. Saxena, 10/16/17

EPA Administrator Scott Pruitt has announced that the agency will immediately attempt to avoid entering into legal settlements with environmentalist groups seeking to use the power of the courts to force the agency into implementing unwanted rules and regulations.

"As of today, with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told reporters at a briefing Monday, referencing an agency-wide memo issued earlier.

This practice, described by Pruitt as "regulation through litigation," involved environmental groups trying to "bypass" the traditional regulatory process by suing the EPA, forcing the agency into settlements, Bloomberg reported.

Also known as "sue and settle," the strategy became popular among environmentalists during the tenure of former President Barack Obama. During Obama's first term in office, the EPA entered into over 60 such settlements and was forced to publish over 100 new regulations.

"Both data and anecdotal evidence show that, under the Obama Administration, consent-decree settlements have become more frequent," The Heritage Foundation noted in 2014.

Robert L. Bradley, the founder and CEO of the Institute for Energy Research, even suggested in a column for The Hill two years ago that "legal collusion … has occurred between federal agencies, including the Environmental Protection Agency (EPA), and well-heeled environmental groups."

"It typically begins with agencies being sued by environmentalists for failing to meet regulatory deadlines and then agreeing to settle the disputes out-of-court," he wrote. "These settlements, which achieve the environmentalists' goals and timeline, are written behind closed doors with little or no input from affected parties."

It's also believed the widely panned Clean Power Plan, which current President Donald Trump has only recently effectively gutted, was pieced together via this same practice.

Pruitt made it clear on Monday this sort of collusion won't be tolerated anymore.

"The days of this regulation through litigation are terminated," he announced. "'Sue and settle,' as this tactic has been called, undermines the fundamental principles of government that I outlined on my first day."

The Washington Examiner reported that during an informal briefing on Monday, Pruitt noted that the EPA was "the first agency to issue this directive in a memorandum to challenge and stop abuse of the sue and settle process."

"We are the first agency to take this action," Pruitt said.

He noted as well that this problem is "not unique to the EPA" and that Attorney General Jeff Sessions is "keenly interested" in implementing similar policies across the entire government.

But Pruitt also pointed out that settlements wouldn't themselves be banned.

"There is a time to settle cases," he said. "This is not a statement against consent decrees generally or settlements generally. It's the abuses around those practices that we are aiming at here."

Time

http://time.com/4983904/epa-regulations-rules-lawsuits-scott-pruitt/

The EPA Is Ending an Obama-Era Practice That Conservatives Say Sped Up New Rules

By Justin Worland, 10/16/17

The Environmental Protection Agency will stop issuing new environmental regulations in response to lawsuits from outside groups, ending a practice that conservatives say had been used by environmental groups during the Obama Administration to speed up the process, the agency's head said Monday.

In a briefing for reporters, EPA Administrator Scott Pruitt said that the reversal was a matter of following proper procedure.

"We are no longer going to be engaged in that practice," EPA Administrator Scott Pruitt said in a briefing for reporters. “It’s a very important day to make sure that as we engage in our rulemaking process we respect the process that Congress has established."

The EPA will also post legal petitions publicly for comment before any potential settlement with a third party and end the practice of paying attorneys fees for outside groups that sue the agency, Pruitt said.

The directive ending the practice — known among conservatives as "sue and settle" — formalizes a stance Pruitt has taken since the early days of his tenure. Pruitt criticized the practice in a speech addressing agency employees shortly after taking office. And he has since issued a verbal directive along those lines earlier this year, according to an E&E News report.

Conservative groups have long criticized "sue and settle" as running afoul of the rule of law, in particular the Administrative Procedure Act, which governs how agencies issue regulations.The move is the latest in a slew of efforts from Pruitt in his nine months on the job to shift the direction of the agency. Last week, Pruitt formally initiated a process to revoke the Clean Power Plan, Obama's central measure aimed at fighting climate change. Asked Monday whether the agency would issue a replacement, Pruitt said "that is in process" and suggested that the agency would provide more clarity soon when it formally begins the process of soliciting public comment on the issue.

The Washington Examiner

http://www.washingtonexaminer.com/federal-judge-in-bob-menendez-bribery-case-strikes-down-request-for-acquittal/article/2637645

Federal judge in Bob Menendez bribery case strikes down request for acquittal.

By Katie Leach, 10/16/17

A federal judge overseeing the bribery case against Sen. Bob Menendez, D-N.J., says he won't dismiss any of the charges against the senator, leaving it up to the jury to decide his fate.

On Monday, Judge William Walls ruled against the defense's argument to drop the charges against the New Jersey lawmaker, claiming that they did not meet the definition of bribery under the 2016 Supreme Court decision against former Virginia Gov. Bob McDonnell.

The Democratic senator is facing 18 criminal counts alongside his friend and wealthy Floridian, Dr. Salomon Melgen.

"We are living in a real world of reality and common sense," Walls explained in a lengthy opinion he read on Monday. "The jury will decide whose version of what happened or didn't happen is more likely than not."

The Hill

http://thehill.com/blogs/floor-action/house/355687-ryan-projects-house-will-pass-tax-bill-by-early-november

Ryan projects House will pass tax bill by early November

By Cristina Marcos, 10/16/17

Speaker Paul Ryan (R-Wis.) offered an ambitious timeline on Monday for when Congress will enact tax reform this year, starting with House passage of a bill in the next month.

Ryan predicted in an interview with Milwaukee radio station WTMJ that tax overhaul legislation would pass in the House by "early November" and make it through the Senate to President Trump's desk by the end of December.

Formal legislation to reform the tax code has not yet been released.

The House adopted a budget resolution earlier this month to unlock budgetary rules known as reconciliation so that Republicans can pass tax reform and circumvent a Democratic filibuster in the Senate.

Ryan expressed optimism that Republicans would have more success with tax reform than with their failed efforts to repeal and replace the 2010 health care law.

Ryan outlined three reasons why the GOP has a better shot at passing tax reform than they did with ObamaCare repeal.

He maintained that Republicans tend to agree more generally on tax principles; the White House and top House and Senate leaders released a tax reform blueprint; and the reconciliation process will allow Republicans to accomplish all of their goals on a tax overhaul in one bill, in contrast to the health care effort.

Multiple GOP health care proposals such as selling insurance plans across state lines and medical liability reform could not be included in the reconciliation measure due to Senate budget rules. That frustrated GOP lawmakers who could only consider those proposals in legislation that would be subject to Senate filibusters.

"So the procedure and the process is much more direct and streamlined. Republicans are more in agreement on how to do it. And we pre-agreed with the House, the Senate and the White House at the front end of this on how to do it. And that's where we stand and that's why we're on track," Ryan said.

The Speaker acknowledged that Republicans, by contrast, don't hold widespread views on health care policy, despite unified opposition to ObamaCare for seven years.

"Frankly, Republicans with each other didn't necessarily agree on how to do health care," Ryan said.

The Senate is expected to consider its version of the budget this week. The two chambers' budgets will have to be reconciled before the GOP can use reconciliation on tax reform.

Once Republicans in both chambers of Congress agree on a budget, the tax-writing House Ways and Means Committee is expected to release legislative text that adheres to its revenue outlines.

Tax legislation would then go through the Ways and Means Committee before reaching the House floor for a vote.

Ryan's projection of House passage by early November puts lawmakers on a tight schedule.

The House is not in session this week and GOP leaders allowed members to depart Washington a day early last week following passage of a $36.5 billion aid package for Puerto Rico and other areas afflicted by recent natural disasters. Lawmakers won't be back at the Capitol until next Monday.

Ryan previously offered ambitious timelines for when Republicans would pass legislation to repeal and replace the health care law that never came to fruition.

At the start of this year, Ryan expressed a goal of wanting to pass a health care bill by Trump's 100th day in office at the end of April.

When that didn't happen, Republicans later aimed for clearing legislation by the August recess. The House did pass a repeal-and-replace bill in May, but the Senate was unable to approve its own version.

In the end, the reconciliation vehicle Republicans intended to use for a health care overhaul expired at the end of the 2017 fiscal year in September.

Fox News

http://www.foxnews.com/politics/2017/10/16/trump-mcconnell-pledge-unity-on-tax-reform-health-care-after-feud.html

Trump, McConnell pledge unity on tax reform, health care after feud

By Staff, 10/16/17

President Trump exited a White House meeting Monday with Sen. Mitch McConnell saying his

relationship with the Senate majority leader is “better than ever” and they are working together on major legislative priorities including tax and health care reform.

“We’ve been friends for a long time,” Trump said at a Rose Garden press conference following his meeting with McConnell, with whom he had a public falling out this summer. “We’re fighting for big tax cuts. ... My relationship with this gentleman has been outstanding.”

Trump also said they are working on a measure to repeal and replace ObamaCare by early next year.

“We have the same agenda. … We talk all of the time,” said McConnell, who said their meeting also included discussions about judicial appointments and additional hurricane relief funding. "We are together totally on this agenda to move America forward."

McConnell’s office earlier this week portrayed the White House meeting as a pro forma discussion about Republicans’ legislative agenda through the fall, which would include big-ticket items like tax reform, immigration and perhaps revisiting health care reform.

However, the meeting was also the first real face-to-face the leaders have had since their public rift over the summer, after the Republican-controlled Senate failed give Trump his first major legislative victory by repealing and replacing ObamaCare.

Trump in August said he was “very disappointed in Mitch,” after McConnell, R-Ky., said the president had “excessive expectations” about the legislative process.

A McConnell spokesman told Fox News on Sunday that the senator’s meeting with Trump also would include discussions on completing a budget resolution, confirming qualified judicial and other nominees and considering hurricane relief funding.

Trump and McConnell spent a considerable amount of time during their roughly 30-minute press conference talking about such judicial nominations.

McConnell called Trump getting Justice Neil Gorsuch on the high court "the single most important thing the president has done."

Trump argued Senate Democratic leader Chuck Schumer "and his group" are holding up "every single nomination," which he called "beyond comprehension."

Trump also hinted at presenting an economic development plan in the near future, in a wide-ranging press conference in which he also said NFL players should be suspended for sitting during the national anthem. And he taunted 2016 presidential rival Hillary Clinton on the possibility of a rematch, saying "please run again."

The meeting came as conservative groups and former Trump chief political strategist Steve Bannon are pressuring McConnell and other congressional Republicans to relinquish their leadership posts.

"This is our war," Bannon said Saturday at a gathering of religious conservatives," "The establishment started it. ... You all are going to finish it."

Ken Cuccinelli, a former Virginia attorney general who now leads the Senate Conservatives Fund, said Wednesday on Capitol Hill, said: "We call on all five members of the GOP Senate leadership to step down, or for their caucus to remove them as soon as possible."

Meanwhile, Senate Republicans appear to be rallying around McConnell.

"Mitch McConnell's not our problem," Sen. Lindsey Graham, R-S.C., said Sunday. "Our problem is that we promised to repeal and replace ObamaCare, and we failed. We promised to

cut taxes and we have yet to do it."

GOP Sen. Susan Collins, a moderate from Maine who was a critical "no" vote on health care, said Americans are tired of Bannon-like rhetoric.

"They don't want this hyper-partisanship," she said. Mitch McConnell is the Senate majority leader. "The president needs him. I'm glad they're working together on tax reform and a lot of other issues. And I'm glad they're meeting this week."

In August, Trump tweeted: "Can you believe that Mitch McConnell, who has screamed Repeal & Replace for 7 years, couldn't get it done. Must Repeal & Replace ObamaCare!"

McConnell responded to Trump's Twitter barrage by saying the challenges of governing shouldn't be a surprise.

"A lot of people look at all that and find it frustrating, messy. Well, welcome to the democratic process," McConnell said at a GOP event in Kentucky this summer. "That's the way it is in our country."

Twitter

Donald J. Trump @realDonaldTrump · 7h

Art Laffer just said that he doesn't know how a Democrat could vote against the big tax cut/reform bill and live with themselves! @FoxNews

9.2K 8.8K 37K

Donald J. Trump @realDonaldTrump · 7h

Replying to @realDonaldTrump

The Democrats only want to increase taxes and obstruct. That's all they are good at!

12K 8.5K 36K

Donald J. Trump @realDonaldTrump · 7h

Dem Senator Schumer hated the Iran deal made by President Obama, but now that I am involved, he is OK with it. Tell that to Israel, Chuck!

7.2K 13K 46K

Donald J. Trump @realDonaldTrump · 7h

Since Election Day on November 8, the Stock Market is up more than 25%, unemployment is at a 17 year low & companies are coming back to U.S.

9.6K 12K 54K

Donald J. Trump @realDonaldTrump · 7h

The U.S. has gained more than 5.2 trillion dollars in Stock Market Value since Election Day! Also, record business enthusiasm.

12K 12K 56K

Donald J. Trump @realDonaldTrump · 6h

I was recently asked if Crooked Hillary Clinton is going to run in 2020? My answer was, "I hope so!"

33K 22K 90K

To: Dravis, Samantha[dravis.samantha@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Ford, Hayley[ford.hayley@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]
Sent: Mon 10/16/2017 9:03:42 PM
Subject: RE: EPA Afternoon Highlights 10.16.17

From: Dravis, Samantha
Sent: Monday, October 16, 2017 5:00 PM
To: Hewitt, James <hewitt.james@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: EPA Afternoon Highlights 10.16.17

I'm sorry.. Betsy Southerland was making $250,000? That is absolutely outrageous.

From: Hewitt, James
Sent: Monday, October 16, 2017 4:43 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: EPA Afternoon Highlights 10.16.17

EPA Afternoon Highlights 10.16.17

-

Bloomberg: Trump's EPA Swears Off Settling Lawsuits With Environmentalists

The Trump administration moved Monday to curb settlements with environmentalists, instead vowing to fight cases designed to force the Environmental Protection Agency to take action.

EPA Administrator Scott Pruitt said he is ending a "sue-and-settle" practice that has resulted in committing the agency to regulating greenhouse gas emissions from power plants and refineries, among other things. “As of today with this directive and the memorandum, we’re no longer going to be involved in that practice,” Pruitt told reporters at a briefing Monday. Pruitt promised in an address to EPA employees in February to avoid "regulation through litigation" and later instructed agency staff to limit the practice.

The Washington Free Beacon: PBS Airs Anti-Pruitt Documentary Funded By Environmentalist Group Backer

A new PBS Frontline documentary that paints Environmental Protection Agency administrator Scott Pruitt as a tool for the fossil fuel industry received major funding from a group that has given hundreds of thousands of dollars to environmentalist activists like the Sierra Club. The documentary, "War on the EPA," received major support from the Kendeda Fund, an Atlanta-based nonprofit focused on the environment and sustainability. The documentary features interviews with numerous Obama administration backers, including Gina McCarthy, the former EPA administrator, and Betsy Southerland, a former EPA director making $250,000 who claimed earlier this year she resigned in protest because of the Trump administration's budget. Southerland was eligible for early retirement and told coworkers she was retiring because of family issues.

The Washington Post: EPA Administrator Pruitt issues directive to curb settlements with outside groups

Environmental Protection Agency Administrator Scott Pruitt issued a directive on Monday to constrain the type of legal agreements the EPA can reach with groups pressuring it to regulate, a move he said could be copied by other federal agencies. Ending the practice known as “sue and settle” has long been a top priority for conservatives and business groups. In recent years, especially under the Obama administration, the EPA and other agencies resolved litigation over delays in issuing rules by agreeing to specific timelines to act and reimbursing plaintiffs’ attorney fees. In a news briefing, Pruitt said he was taking action to ensure that consent decrees “are not used in an abusive fashion to subvert due process” and to exclude the public from weighing in.

Red State: Scott Pruitt Ends EPA Welfare Payments To Environmental Groups

One of the most egregious things about the EPA has always been the way it operated for the benefit of the large “environmental” groups and against the interests of states, communities, and individuals. Perhaps the worst part of this criminal collusion was the way the EPA used lawsuits against the EPA, coordinated with environmental groups, to short-circuit the rule-making

process, deprive the public of a their right to petition the government, and keep the coffers of environmental groups topped off with EPA cash… Sometimes decrees were negotiated and approved that exceeded the authority of the court approving the decree…this is a different but related issue of the EPA and environmentalist groups cherry-picking courts and judges.

Talking Points Memo: EPA Chief Pruitt Looks To Kneecap Environmental Groups With New Policy

The head of the Environmental Protection Agency in effect declared trench warfare on environmental groups on Monday, ending a practice he dubbed "Sue & Settle" by which the EPA would often settle lawsuits brought by outside groups in an attempt to get the agency to enforce its own rules. "As of today with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told a small group of reporters, including TPM, Monday morning at the EPA. "It's a regulation through litigation process." Pruitt painted the policy as a way that environmental groups profited off the agency during the Obama years, while those groups worked together to circumvent the normal rule-making process and create more stringent environmental regulations.

The Daily Caller: Trump's EPA Is Cracking Down On 'Sue And Settle' Lawsuits

Environmental Protection Agency (EPA) Administrator Scott Pruitt signed a directive ending an Obama-era legal practice that conservatives criticized as giving outside activists control of the regulatory process. "The days of regulation through litigation are over," Pruitt said in a statement issued Monday. Pruitt's order curbs the number of cases EPA settles with outside activist groups that file so-called "citizen suits." Outside groups, especially environmentalists, file citizen suits to force a federal agency to begin the rulemaking process. During the settlement process, environmentalists and government lawyers get to set new timetables for new regulations. States, industry groups and other third parties are largely left out of the settlement process.

The Washington Times: EPA to end Obama-era 'sue and settle' practice

The Trump administration on Monday took steps to end the highly controversial "sue and settle" practice that led directly to a host of environmental regulations throughout former President Obama's tenure. In an agency-wide directive, Environmental Protection Agency Administrator Scott Pruitt said the process has "harmed the American public" and kept citizens in the dark about exactly how rules and regulations are made. "The days of regulation through litigation are over," Mr. Pruitt said in a statement. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney's fees

to these groups with which we swiftly settle."

Fox News: EPA's Pruitt moves to end Obama-era practice of 'sue and settle' with environmentalists

EPA Administrator Scott Pruitt moved Monday to end a controversial practice known as "sue and settle," which critics said was used during the Obama administration to cut deals with environmental groups leading to new regulations. "The days of regulation through litigation are over," Pruitt said in a statement, announcing a new EPA directive Republicans, including Pruitt, had fought with the Obama administration in court over what they described as a back-room practice that led to more red tape. They claimed the EPA routinely entered into consent decrees with environmental groups that had sued the agency, in turn leading to new regulations for states – covering clean air rules and more – without allowing them to defend their interests.

Reuters: U.S. EPA head seeks to avoid settlements with green groups

The head of the U.S. Environmental Protection Agency issued a directive to his agency on Monday seeking to end the practice of settling lawsuits with environmental groups behind closed doors, saying the groups have had too much influence on regulation. EPA Administrator Scott Pruitt, who sued the agency he now runs more than a dozen times in his former job as attorney general of oil producing Oklahoma, has long railed against the so-called practice of "sue and settle." The EPA under former President Barack Obama quietly settled lawsuits from environmental groups with little input from regulated entities, such as power plants, and state governments, he argues. The directive seeks to make EPA more transparent about lawsuits by reaching out to states and industry that could be affected by settlements, forbidding the practice of entering into settlements that exceed the authority of courts, and excluding attorney's fees and litigation costs when settling with groups.

The Washington Examiner: Trump's EPA sets precedent by becoming first agency to end 'sue and settle' practice

The Environmental Protection Agency on Monday became the first of President Trump's agencies to issue an order barring the agency from being drawn into court settlements that alter environmental outcomes to the liking of environmental and other special interest groups. "The days of regulation through litigation are over," EPA chief Scott Pruitt declared in a statement. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress."

Western Journalism: Trump's EPA Closes 'Regulation Thru Litigation' Loophole

EPA Administrator Scott Pruitt has announced that the agency will immediately attempt to avoid entering into legal settlements with environmentalist groups seeking to use the power of the courts to force the agency into implementing unwanted rules and regulations. "As of today, with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told reporters at a briefing Monday, referencing an agency-wide memo issued earlier. This practice, described by Pruitt as "regulation through litigation," involved environmental groups trying to "bypass" the traditional regulatory process by suing the EPA, forcing the agency into settlements, Bloomberg reported.

Time: The EPA Is Ending an Obama-Era Practice That Conservatives Say Sped Up New Rules

The Environmental Protection Agency will stop issuing new environmental regulations in response to lawsuits from outside groups, ending a practice that conservatives say had been used by environmental groups during the Obama Administration to speed up the process, the agency's head said Monday. In a briefing for reporters, EPA Administrator Scott Pruitt said that the reversal was a matter of following proper procedure. "We are no longer going to be engaged in that practice," EPA Administrator Scott Pruitt said in a briefing for reporters. "It's a very important day to make sure that as we engage in our rulemaking process we respect the process that Congress has established."

-

National Afternoon News Highlights 10.16.17

The Washington Examiner: Federal judge in Bob Menendez bribery case strikes down request for acquittal

A federal judge overseeing the bribery case against Sen. Bob Menendez, D-N.J., says he won't dismiss any of the charges against the senator, leaving it up to the jury to decide his fate. On Monday, Judge William Walls ruled against the defense's argument to drop the charges against the New Jersey lawmaker, claiming that they did not meet the definition of bribery under the 2016 Supreme Court decision against former Virginia Gov. Bob McDonnell. The Democratic senator is facing 18 criminal counts alongside his friend and wealthy Floridian, Dr. Salomon Melgen.

The Hill: Ryan projects House will pass tax bill by early November

Speaker Paul Ryan (R-Wis.) offered an ambitious timeline on Monday for when Congress will enact tax reform this year, starting with House passage of a bill in the next month. Ryan predicted in an interview with Milwaukee radio station WTMJ that tax overhaul legislation would pass in the House by "early November" and make it through the Senate to President Trump's desk by the end of December. Formal legislation to reform the tax code has not yet been released. The House adopted a budget resolution earlier this month to unlock budgetary rules known as reconciliation so that Republicans can pass tax reform and circumvent a Democratic filibuster in the Senate.

Fox News: Trump, McConnell pledge unity on tax reform, health care after feud

President Trump exited a White House meeting Monday with Sen. Mitch McConnell saying his relationship with the Senate majority leader is "better than ever" and they are working together on major legislative priorities including tax and health care reform. "We've been friends for a long time," Trump said at a Rose Garden press conference following his meeting with McConnell, with whom he had a public falling out this summer. "We're fighting for big tax cuts. ... My relationship with this gentleman has been outstanding." Trump also said they are working on a measure to repeal and replace ObamaCare by early next year.

TRUMP TWEETS

Bloomberg

https://www.bloomberg.com/news/articles/2017-10-16/trump-s-epa-swears-off-settling-lawsuits-with-environmentalists

Trump's EPA Swears Off Settling Lawsuits With Environmentalists

By Jennifer Dlouhy, 10/16/17

The Trump administration moved Monday to curb settlements with environmentalists, instead vowing to fight cases designed to force the Environmental Protection Agency to take action.

EPA Administrator Scott Pruitt said he is ending a "sue-and-settle" practice that has resulted in committing the agency to regulating greenhouse gas emissions from power plants and refineries,

among other things.

“As of today with this directive and the memorandum, we’re no longer going to be involved in that practice,” Pruitt told reporters at a briefing Monday.

Pruitt promised in an address to EPA employees in February to avoid "regulation through litigation" and later instructed agency staff to limit the practice. Separately, Attorney General Jeff Sessions has barred federal attorneys from negotiating settlements that result in payments from companies to third-party organizations, such as environmental groups.

But Pruitt’s new directive makes it formal. Under the policy, the agency will publicize legal petitions that could lead to settlements and proposed agreements. The EPA also will not agree to substantively change regulatory timelines -- such as making commitments to rapidly issue rules -- through the settlement process.

The move takes aim at a practice conservatives have long criticized as empowering environmental groups to force federal agencies to issue regulations and commit to timelines for imposing them. Agencies that agree to settle with those groups -- and stop defending themselves in court -- generally negotiate the agreements privately, without the kind of public process that typically guides federal rulemaking. The resulting agreements effectively allow outside groups to hijack a federal agency’s agenda, opponents say.

“It’s a regulation through litigation process" that serves to "bypass" the formal rulemaking process, Pruitt told reporters at a briefing Monday. “As of today with this directive and the memorandum, we’re no longer going to be involved in that practice.”

Recent U.S. clean air rules have been driven by such legal settlements, including former President Barack Obama’s Clean Power Plan, which aims to pare greenhouse gas emissions from electricity. Pruitt’s EPA proposed repealing that initiative last week.

In December 2010, the EPA pledged to set curbs on carbon dioxide emissions from power plants and oil refineries as part of a settlement with environmental groups and more than a dozen state

and local governments. The EPA blew the deadline for the power plant rule -- originally due in May 2012, though finally imposed more than three years later -- and never finalized similar standards for refineries.

“There is a time to settle cases," Pruitt said. "This is not a statement against consent decrees generally or settlements generally. It’s the abuses around those practices that we are aiming at here” to make sure they are not used to “subvert” the process.

This is going to be applied "across the board," with every plaintiff that sues the agency. "This is not particular to one type of plaintiff," Pruitt said.

The EPA settled more than 60 lawsuits with outside groups between 2009 and 2012, resulting in more than 100 new regulations, according to the U.S. Chamber of Commerce, which has criticized the practice.

"Over the past decade, the business community has expressed growing concern about interest groups using lawsuits against federal agencies and subsequent consent decrees approved by a court as a shortcut technique to influence agencies’ regulatory agendas," Chamber senior vice president William Kovacs told a House subcommittee hearing in May.

Advocacy groups sometimes sue to compel federal agencies to act when they are slow to finalize requirements or are ignoring an issue altogether. For instance, the EPA settlement on greenhouse gases from power plants and refineries came in part because the agency did not tackle the issue despite a 2009 conclusion that the emissions endanger the public health and welfare.

The federal government doesn’t just settle lawsuits with environmental organizations. Lawsuits filed by trade associations and special interest groups as well as corporations are also fair game for legal settlements.

Any policy that discourages negotiations aimed at resolving those lawsuits early could lead to more protracted court battles, legal experts said.

"Lawsuits are incredibly expensive," said Joshua Galperin, a research scholar at Yale Law School. "Environmental groups and industry groups both -- and those are the groups who sue EPA -- they're both well-funded" and "can continue the process of a lawsuit really as long as it takes."

The Washington Free Beacon

http://freebeacon.com/politics/pbs-airs-anti-pruitt-documentary-funded-environmentalist-group-backer/

PBS Airs Anti-Pruitt Documentary Funded By Environmentalist Group Backer

By Elizabeth Harrington, 10/16/17

A new PBS Frontline documentary that paints Environmental Protection Agency administrator Scott Pruitt as a tool for the fossil fuel industry received major funding from a group that has given hundreds of thousands of dollars to environmentalist activists like the Sierra Club.

The documentary, "War on the EPA," received major support from the Kendeda Fund, an Atlanta-based nonprofit focused on the environment and sustainability.

The documentary features interviews with numerous Obama administration backers, including Gina McCarthy, the former EPA administrator, and Betsy Southerland, a former EPA director making $250,000 who claimed earlier this year she resigned in protest because of the Trump administration's budget. Southerland was eligible for early retirement and told coworkers she was retiring because of family issues.

Southerland tells PBS that Pruitt's EPA is a "clear and present danger to public health and safety in this country."

The documentary calls critics of the Obama administration's wide-ranging regulatory actions targeting the coal industry and nuclear power plants "climate deniers" and "extreme." The PBS narrator refers to Sen. James Inhofe (R., Okla.) as "the Senate's leading climate change denier" and features Jane Mayer, a journalist with the New Yorker, calling the Trump EPA "radical."

"What you see now in the Trump administration is the triumph of the anti-environmental movement," Mayer says. "They are now in control of the government and in control of the regulatory process in a kind of a brazen way we haven't seen before."

Obama administration alums are depicted as crusaders against pollution, as they appear in interviews dismayed by President Trump and Pruitt following through on campaign promises to roll back environmental regulations.

Gina McCarthy said the repeal of the Clean Power Plan, which was blocked by the Supreme Court and could have shrunk the coal industry by nearly half, was "disturbing."

Eric Schaeffer, a former EPA director of civil enforcement, called Pruitt's EPA a "hostile takeover" and a "political operation."

Jerry Taylor, a former fellow at the Cato Institute who now is in favor of a carbon tax, tells PBS the "conservative narrative" of a war on coal was "disconnected from reality."

PBS does not include clips in the documentary of Obama and Hillary Clinton discussing the coal industry. Obama said, "electricity rates would necessarily skyrocket" under his cap and trade plan, while Clinton boasted during a debate, "We are going to put a lot of coal miners and coal companies out of business."

PBS also interviews Eric Lipton of the New York Times, who was bothered by paintings in Pruitt's old attorney general office in Oklahoma that pictured sheriffs in the Old West and a Native American sheriff.

"When I first got to [Pruitt's] office, there were these large paintings on the wall," Lipton said. "It just struck me that this was the real Wild West, that we will dispense our own justice." The camera zoomed in on the painted gun in a holster, as ominous music played.

PBS also attempts to tie Pruitt to the Koch brothers and paints a picture of the administrator receiving dark money from oil and gas companies.

PBS says, "Much of the Koch's fortune came from oil and gas, and they would spend millions opposing Obama's initiatives."

The documentary received major funding from Kendeda, which in turn has donated to many liberal groups that lobby for climate change regulations. On its website, Kendeda encourages "activism that promotes solutions to the social and equity challenges caused by climate change."

Kendeda has donated to numerous environmentalist activist organizations, including: $70,000 to the Sierra Club, $50,000 to Earthjustice, $50,000 to the Southern Alliance for Clean Energy, and $500,000 to the U.S. Climate Action Network in 2015.

A spokesperson for WGBH, which put on the documentary, told the Free Beacon that the Kendeda Fund did not directly fund the documentary.

"The Kendeda Fund provides support to many organizations and groups, including schools and military families, and they have provided funding to WGBH under their People, Place, and Planet program for use in a variety of WGBH programs," said Jeanne Hopkins, vice president for communications. "Some was used to support this FRONTLINE film, along with its many other funding sources. They did not directly fund this program."

"War on the EPA was a political story full of voices on both sides of a contentious issue," Hopkins continued. "The film spent considerable time illuminating the roots of conservative thinking and action towards the EPA and featured key figures from industry and the movement around Scott Pruitt, including Bob Murray, CEO of Murray Energy and Myron Ebell, the head of

President Trump's EPA transition team."

The group also donated $250,000 to the New Venture Fund, which also supports environmentalist organizations. The same year, New Venture Fund donated $515,000 to the Sierra Club Foundation and $95,000 to 350.org, which vows to "stop fossil fuels."

The documentary also features Andrew Miller, a lobbyist for Southern Company, who was asked by PBS if it was "unseemly" that oil and gas companies lobbied against Obama's environmental regulations and that Pruitt and other Republican attorneys general filed lawsuits to stop the rules.

"Not at all," Miller said. "And the reason I say that is you have the Sierra Club partnering with attorneys general on the other side."

"It's all part of the Democratic process," he said.

The Washington Post

https://www.washingtonpost.com/politics/epa-administrator-pruitt-issues-directive-to-curb-settlements-with-outside-groups/2017/10/16/b62967ba-b280-11e7-be94-fabb0f1e9ffb_story.html?utm_term=.aaefc224f3ed

EPA Administrator Pruitt issues directive to curb settlements with outside groups

By Juliet Eilperin, 10/16/17

Environmental Protection Agency Administrator Scott Pruitt issued a directive on Monday to constrain the type of legal agreements the EPA can reach with groups pressuring it to regulate, a move he said could be copied by other federal agencies.

Ending the practice known as "sue and settle" has long been a top priority for conservatives and

business groups. In recent years, especially under the Obama administration, the EPA and other agencies resolved litigation over delays in issuing rules by agreeing to specific timelines to act and reimbursing plaintiffs' attorney fees.

In a news briefing, Pruitt said he was taking action to ensure that consent decrees "are not used in an abusive fashion to subvert due process" and to exclude the public from weighing in.

"It's very important that we do not get engaged in regulation through litigation," he said. "This is something that is a long time coming with respect to this agency."

Pruitt said his action will not bar the EPA from reaching settlements with outside litigants but that he wanted to block any agreements "changing a discretionary duty to a nondiscretionary duty."

He said it also was important to end the payout of attorney fees, since such settlements have "no prevailing party" and some payments are part of informal agreements that cannot be easily tracked.

The directive will provide for greater disclosure of potential settlements by directing the EPA to publish any notice of intent to sue within 15 days of receiving it; reaching out to states and any other entities potentially affected by such suits; and posting any proposed or modified consent decrees and settlements for a 30-day public comment period.

His push is part of a broader effort by the Trump administration to limit federal funding to outside groups as part of litigation. In June, Attorney General Jeff Sessions issued a memo to block payments to third-party, not-for-profit groups as part of environmental settlements. Instead of allowing defendants to fund environmental measures as a way of meeting their obligations for violating the law, Sessions argued, such penalties should go directly to the U.S. Treasury.

But environmentalists question whether Pruitt's directive, inspired by a memorandum that then-Attorney General Edwin Meese issued in the 1980s, will have much direct impact. The Clean Air Act and other environmental laws provide citizens and outside groups broad latitude to sue the

EPA when it is failing to meet statutory deadlines, and the judge handling such cases typically determines the amount of legal fees the government must pay as part of any consent decree.

"That's not his decision to make," John Walke, of the Natural Resources Defense Council's Clean Air Project, said in an interview Monday. "A judge can impose attorney fees when an agency violates the law and citizens file suit to hold the government accountable."

The Clean Air Act already requires the EPA and the Justice Department to provide a 30-day public comment period for all consent decrees and settlement agreements before they are finalized or filed with a court, Walke said. Pruitt's action is "a lot of political puffery," he said.

Pruitt emphasized that some agreements the Obama administration reached with environmental groups, such as one aimed at curbing regional haze, were forged without the input of affected states. In that particular case, he noted, North Dakota sought to intervene but was excluded. Nonetheless, the consent decree "imposed obligations" on North Dakota once it was finalized.

The Government Accountability Office, which published a 2014 report on the EPA's practice of settling with outside groups, found that the agreements it examined had only "limited" impact on the agency's rulemaking process.

Officials in the agency's air quality office, according to the GAO, "said that deadline suits affect the timing and order in which rules are issued but not which rules are issued."

Red State

https://www.redstate.com/streiff/2017/10/16/scott-pruitt-epa-sue-and-settle/

Scott Pruitt Ends EPA Welfare Payments To Environmental Groups

By Strieff, 10/16/17

One of the most egregious things about the EPA has always been the way it operated for the benefit of the large "environmental" groups and against the interests of states, communities, and individuals. Perhaps the worst part of this criminal collusion was the way the EPA used lawsuits against the EPA, coordinated with environmental groups, to short-circuit the rule-making process, deprive the public of a their right to petition the government, and keep the coffers of environmental groups topped off with EPA cash.

his is how it worked:

"Sue and Settle " practices, sometimes referred to as "friendly lawsuits", are cozy deals through which far-left radical environmental groups file lawsuits against federal agencies wherein court-ordered "consent decrees" are issued based upon a prearranged settlement agreement they collaboratively craft together in advance behind closed doors. Then, rather than allowing the entire process to play out, the agency being sued settles the lawsuit by agreeing to move forward with the requested action they and the litigants both want.

In other words, the agency throws the case, somewhat like Bre'r Rabbit agreeing to be thrown into a favorite brier-patch. A big difference however, is that in this case, Farmer McGregor andMr. Rabbit were partners in the scam from the beginning. It's the unwary American public that actually does get caught in the thorns.

While the environmental group is given a seat at the table, outsiders who are most impacted are excluded, with no opportunity to object to the settlements. Accordingly, both the litigants and the defendant agency, operating in coffee bars and friendly courtroom shadows, avoid the harsh outside glare of oversight. No public notice about the settlement is released until the agreement is filed in court…after the damage has been done.

Sometimes decrees were negotiated and approved that exceeded the authority of the court approving the decree…this is a different but related issue of the EPA and environmentalist groups cherry-picking courts and judges. Not only do the 'green' groups often get cash payouts above and beyond attorney's fees, the policies they impose are often detrimental and would never have been enacted had state and local officials had the opportunity to weigh in:

The Chamber's study author, William Yeatman, Assistant Director for Energy and Environment at the Competitive Enterprise Institute (CEI), emphasizes that EPA's abuse of its Regional Haze authority forces states to relinquish their authority and accept EPA's far more expensive plans, thereby increasing consumer utility charges. He concluded that: "… no state is immune from having its rightful Regional Haze authority trampled by EPA at profound costs for virtually nonexistent benefits."

Having conducted eight state case studies, Yeatman found that:

•□□□□□□□□ In Arizona, EPA's Regional Haze regulation threatens to increase the cost of water, forcing the state to spend an additional $90.2 million per year to implement the federal regulation.

•□□□□□□□□ In Montana, EPA's proposed Regional Haze controls are nearly 250% more expensive than what that agency's standing rules presume to be "cost-effective" for compliance,

•□□□□□□□□ In 2011, the EPA disregarded New Mexico's Regional Haze plan, instead imposing a federal plan that requires nearly $840 million more in capital costs…potentially raising average annual household utility bills by $120.

•□□□□□□□□ Although North Dakota is one of only 12 states that achieves all of EPA's air quality standards for public health, it would not be able to achieve EPA's Regional Haze goals for visibility even by shutting down all industry. The EPA plan would also cost the state an additional $13 million per year,

•□□□□□□□□ Refusing to approve Oklahoma's Regional Haze plan, the EPA's plan would cost the state $282 million annually.

•□□□□□□□□ In Wyoming, the EPA proposed a federal implementation plan that would cost almost $96 million per year more than the state's plan.

•□□□□□□□□ Minnesota is subject to back-to-back Regional Haze regulations, whereby EPA is claiming authority to regulate regional haze twice in succession at its Sherburne County generating plant.

•□□□□□□□□ EPA's proposed plan would cost Nebraska nearly $24 million per year to achieve invisible "benefits".

The deals were cloaked in secrecy and top EPA officials were very much hands-on in working to use these agreements to keep the public in the dark:

Unfortunately, getting federal agencies to comply with formal FOIA requests isn't proving to be easy. And to make matters worse, there is evidence that top bureaucrats have even used private e-mail accounts and aliases to cover culpability tracks.

For example, Senator Vitter, along with Representative Darrell Issa (R-Calif.) who heads the House Oversight and Government Reform Committee, recently sent a letter to James Martin, EPA's Region 8 administrator, warning him: "The use of personal, non-official e-mail accounts raises concerns that you could be attempting to insulate this and other e-mail correspondence from a Freedom of Information Act request. Moreover, your actions may also constitute violation of the Federal Records Act"…evading congressional oversight of federal agencies.

One of those private e-mails at issue involved an exchange between Martin and Vickie Patton, the General Counsel for the Environmental Defense Fund, regarding an arranged meeting with him. Patton wrote: "Hi Jim, Next Monday or Tuesday December 12/13 at 9am depending on which is best for you." Responding, Martin replied: "January 13 at 9:00 am works for me if it works for you. (Lost your original note-is that the date and time you proposed?" Vitter and Issa have confirmed that the meeting did, in fact, take place at the EPA regional office.

Several Martin e-mails were released by EPA as the result of a FOIA lawsuit lodged by Christopher Horner of the Competitive Enterprise Institute. Horner's efforts also revealed evidence that former EPA Administrator Lisa Jackson was conducting official agency business under cover of the alias name "Richard Windsor", and CEI also sued EPA seeking e-mails concerning the EPA's behind-the-scenes regulatory war on coal plants. Horner's new book, The Liberal War on Transparency, discusses this and other tricks.

Suspicions abound that the exposure of Jackson's undercover communications had much to do with her departure decision shortly afterwards. Senator Vitter commented: "I think this e-mail issue clearly spurred Lisa Jackson's resignation. But it's much broader than her. It's about a culture of hiding an extreme agenda from Americans because it can't be sustained in public debate."

For more information you need to read this report by Heritage and these links from US Chamber of Commerce (here | here).

Shortly after he was nominated, EPA Administrator Scott Pruitt said that he would end this anti-democratic process. Today he delivered.

In fulfilling his promise to end the practice of regulation through litigation that has harmed the American public, EPA Administrator Scott Pruitt issued an Agency-wide directive today designed to end "sue and settle" practices within the Agency, providing an unprecedented level of public participation and transparency in EPA consent decrees and settlement agreements.

"The days of regulation through litigation are over," said EPA Administrator Scott Pruitt. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle."

…

"Sue and settle" cases establish Agency obligations without participation by states and/or the regulated community; foreclose meaningful public participation in rulemaking; effectively force the Agency to reach certain regulatory outcomes; and, cost the American taxpayer millions of dollars.

Read the whole letter.

Of course, the EPA is still bound by past shenanigans but going forward the 'green' groups will find the EPA is not a willing partner in litigation.

Talking Points Memo

http://talkingpointsmemo.com/dc/epa-chief-scott-pruitt-looks-to-kneecap-environmental-groups-with-new-sue-and-settle-policy

EPA Chief Pruitt Looks To Kneecap Environmental Groups With New Policy

By Cameron Joseph, 10/16/17

The head of the Environmental Protection Agency in effect declared trench warfare on environmental groups on Monday, ending a practice he dubbed "Sue & Settle" by which the EPA would often settle lawsuits brought by outside groups in an attempt to get the agency to enforce its own rules.

"As of today with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told a small group of reporters, including TPM, Monday morning at the EPA. "It's a regulation through litigation process."

Pruitt painted the policy as a way that environmental groups profited off the agency during the Obama years, while those groups worked together to circumvent the normal rule-making process and create more stringent environmental regulations.

"We should engage in rule-making that takes into consideration the voices that will be impacted across the country," he said. "What this sue-and-settle practice has done historically has bypassed that altogether."

The rule change could force environmental groups to spend much more time and effort on lawsuits aimed at making the EPA enforce its own rules and abide by agreed-upon timelines—spreading them thinner and making it harder for them to expend effort on other, more complicated cases. The EPA's decision to refuse to reimburse lawyers' fees also could be costly to environmental groups, as well as make it harder and less likely for average citizens and localities to undertake lawsuits to get the EPA to do what it's legally required to do.

Pruitt pledged that the agency would no longer reimburse attorneys' fees in cases where it decides to avoid a lawsuit, arguing that both environmental and business groups had abused it to enrich themselves in the past.

"This is not particular to one type of plaintiff," he said. "There should be no attorneys' fees paid,

period, no matter who the plaintiff is."

Combined with measures to slash staff, a pattern of issuing fewer and lighter fines, and the rollback of Obama-era rules that crack down on greenhouse gas emissions from power plants to mitigate the effects of climate change, Pruitt's latest move is part of an overall shift at Trump's EPA that's radically more friendly to big business and hostile towards environmental groups.

The U.S. Chamber of Commerce, for instance, has railed against "Sue & Settle" for years.

The new memorandum formalizes a position of fighting every lawsuit tooth-and-nail that Pruitt had announced early in his tenure at the EPA. Back in February, he'd promised he wouldn't allow "regulation through litigation." The Justice Department also has stopped negotiating settlements that end up with payments to outside groups to cover attorneys' or other fees.

Fewer than a dozen reporters were included at the event with Pruitt, and some of them, including TPM, rarely if ever cover the environmental beat closely—a fact that frustrated some environmental reporters who weren't invited to attend:

Hear the full audio of the event below:

https://soundcloud.com/user-850821996/epa-administrator-scott-pruitt-speaks-to-reporters

The Daily Caller

http://dailycaller.com/2017/10/16/trumps-epa-is-cracking-down-on-sue-and-settle-lawsuits/?utm_source=site-share

Trump's EPA Is Cracking Down On 'Sue And Settle' Lawsuits

By Mike Bastasch, 10/16/17

Environmental Protection Agency (EPA) Administrator Scott Pruitt signed a directive ending an Obama-era legal practice that conservatives criticized as giving outside activists control of the regulatory process.

"The days of regulation through litigation are over," Pruitt said in a statement issued Monday.

Pruitt's order curbs the number of cases EPA settles with outside activist groups that file so-called "citizen suits." Outside groups, especially environmentalists, file citizen suits to force a federal agency to begin the rulemaking process.

During the settlement process, environmentalists and government lawyers get to set new timetables for new regulations. States, industry groups and other third parties are largely left out of the settlement process.

Republicans and conservative legal scholars labelled the practice "sue and settle" since the Obama administration often settled with outside groups, effectively giving activists control of the environmental regulatory agenda.

Pruitt also targeted the attorneys fees paid out to outside groups suing EPA to force a rulemaking. A 2016 Daily Caller News Foundation investigation found federal agencies pay out at least $50 million in attorneys fees for "sue and settle" cases since 2009.

A 2013 study by the U.S. Chamber of Commerce identified at least 71 lawsuits between 2009 and 2012 as "sue-and-settle" cases, and these resulted in more than 100 new regulations — many of which cost more than $100 million a year.

The Obama administration's Clean Power Plan, for example, is the result of a "sue and settle" lawsuit. EPA began the process of repealing that regulation last week.

"We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress," Pruitt said.

Pruitt's policy requires EPA to publish all citizen suits and settlements online for the public to see. EPA will also be limited in what kinds of settlements it can make with activists, and officials must reach out to states and other third parties.

Environmentalists weren't very happy with Pruitt's directive.

Federal environmental laws give individuals and groups the ability to sue agencies that don't issue a regulation by a statutory deadline. Groups that sue can also get their attorneys fees reimbursed.

EPA is just one of the many federal agencies activists sue every year to force new regulations. The U.S. Fish and Wildlife Service is the focus of many lawsuits, demanding the agency issue ruling on whether or not certain species are endangered.

Federal agencies paid out $30 million to attorneys for 237 citizen suits under the Endangered Species Act, a 2016 DCNF investigation found.

The Washington Times

http://www.washingtontimes.com/news/2017/oct/16/epa-end-obama-era-sue-and-settle-practice/

EPA to end Obama-era 'sue and settle' practice

By Ben Wolfgang, 10/16/17

The Trump administration on Monday took steps to end the highly controversial "sue and settle"

practice that led directly to a host of environmental regulations throughout former President Obama's tenure.

In an agency-wide directive, Environmental Protection Agency Administrator Scott Pruitt said the process has "harmed the American public" and kept citizens in the dark about exactly how rules and regulations are made.

"The days of regulation through litigation are over," Mr. Pruitt said in a statement. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle."

Sue and settle, which became commonplace during Mr. Obama's tenure as his EPA developed tight-knit relationships with top environmental groups, essentially is a way to circumvent the formal rulemaking procedures. Under the practice, sometimes called "friendly lawsuits," an outside group would sue a department or agency — in this case, the EPA — and ask that certain regulatory steps be taken, or that entirely new regulations be put in place.

Often, the agency would agree to settle the case outside of court, and the settlement agreement would provide a legal loophole for the EPA to simply enact the changes the outside organization sought without having to go through the traditional rule-making process, which requires public comment, draft proposals, and a host of other steps designed to keep the public informed.

Numerous Obama-era environmental policies were initially put in place as a result of sue and settle. They include: the Mercury Air Toxics Standards for Utilities rule; Regional Haze rules; Chesapeake Bay Clean Water Act rules; and many others related to air quality and energy exploration, according to a list released last month by the U.S. Chamber of Commerce.

Critics of sue and settle say that regardless of one's opinion on climate change and environmental regulation, the practice itself is highly secretive and one of the worst examples of government colluding with outside groups.

"These egregious antics have effectively handed over the setting of agency priorities to environmental pressure groups, led to rushed rulemaking, and even altered the substance of regulations before they have been published," said Daren Bakst, research fellow in agricultural policy at the conservative Heritage Foundation. "The EPA is making it clear that the public and the integrity of the rulemaking process are no longer going to be sacrificed for the political objectives of narrow interests."

Fox News

http://www.foxnews.com/politics/2017/10/16/epas-pruitt-moves-to-end-obama-era-practice-sue-and-settle-with-environmentalists.html

EPA's Pruitt moves to end Obama-era practice of 'sue and settle' with environmentalists

By Staff, 10/16/17

EPA Administrator Scott Pruitt moved Monday to end a controversial practice known as "sue and settle," which critics said was used during the Obama administration to cut deals with environmental groups leading to new regulations.

"The days of regulation through litigation are over," Pruitt said in a statement, announcing a new EPA directive

Republicans, including Pruitt, had fought with the Obama administration in court over what they described as a back-room practice that led to more red tape. They claimed the EPA routinely entered into consent decrees with environmental groups that had sued the agency, in turn leading to new regulations for states – covering clean air rules and more – without allowing them to defend their interests.

"We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would

circumvent the regulatory process set forth by Congress," Pruitt said in a statement Monday.

Under the new policy, Pruitt said that whenever a settlement or consent decree is being considered, the EPA should reach out to any states or entities affected. He also wants to make sure related complaints or notices are published promptly, to forbid consent decrees "that exceed the authority of the courts," and to give time to modify proposed regulations and consider public comment.

Pruitt was one of the most outspoken critics of "sue and settle" during the Obama administration, when as Oklahoma attorney general he participated in multiple lawsuits against the agency he now leads.

Pruitt claimed at the time that dozens of lawsuits filed by environmental groups led to settlement arrangements that included terms beyond the guidelines approved by Congress.

The Obama EPA denied this at the time, maintaining that outside groups could not compel the agency to take any action they weren't already compelled to take by law.

Environmental groups could respond with more court action. The Sierra Club on Monday retweeted an environmentalist who predicted: "Scott Pruitt will be spending a lot more of your taxpayer dollars defending his inaction in court."

Reuters

http://news.trust.org/item/20171016165200-tm1oe/

U.S. EPA head seeks to avoid settlements with green groups

By Timothy Gardner, 10/16/17

The head of the U.S. Environmental Protection Agency issued a directive to his agency on Monday seeking to end the practice of settling lawsuits with environmental groups behind closed doors, saying the groups have had too much influence on regulation.

EPA Administrator Scott Pruitt, who sued the agency he now runs more than a dozen times in his former job as attorney general of oil producing Oklahoma, has long railed against the so-called practice of "sue and settle." The EPA under former President Barack Obama quietly settled lawsuits from environmental groups with little input from regulated entities, such as power plants, and state governments, he argues.

The directive seeks to make EPA more transparent about lawsuits by reaching out to states and industry that could be affected by settlements, forbidding the practice of entering into settlements that exceed the authority of courts, and excluding attorney's fees and litigation costs when settling with groups.

Most lawsuits by green groups on the agency seek to push the agency to speed up regulation on issues such as climate and air and water pollution, studies have shown.

"The days of regulation through litigation are over," Pruitt said. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the agency."

Pruitt's order was supported by conservative groups.

Daren Bakst, a research fellow in agricultural policy at the Heritage Foundation think tank, said sue and settle has led to "egregious antics" that have "effectively handed over the setting of agency priorities to environmental pressure groups," and has led to rushed rulemaking by the agency.

But Pat Parenteau, an environmental law professor at the Vermont Law School, said Pruitt's directive would be "counterproductive" and costly because in the end courts could fine the agency if it does not meet compliance dates for issuing regulations.

"He can fight it if he wants as long as he wants, and spend as much money as he wants," Parenteau said. "But in the end if you've missed a statutory deadline, you are going to be ordered (by a court) to comply and then you are going to be ordered to pay fees."

The Washington Examiner

http://www.washingtonexaminer.com/trumps-epa-sets-precedent-by-becoming-first-agency-to-end-sue-and-settle-practice/article/2637650

Trump's EPA sets precedent by becoming first agency to end 'sue and settle' practice

By John Siciliano, 10/16/17

The Environmental Protection Agency on Monday became the first of President Trump's agencies to issue an order barring the agency from being drawn into court settlements that alter environmental outcomes to the liking of environmental and other special interest groups.

"The days of regulation through litigation are over," EPA chief Scott Pruitt declared in a statement. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress."

Pruitt's order would also end the practice of paying out "tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle," Pruitt added.

The litigation tool, commonly referred to as "sue and settle," was used with great success by environmental groups under the Obama administration to force a regulatory process behind closed doors, according to Pruitt. The Sierra Club, for example, used the legal tactic often as part of its "Beyond Coal" campaign program to force coal-fired power plants into early retirement.

It is a tactic that has served the environmental community well over the last decade. But EPA

Administrator Scott Pruitt sought to change all of that on Monday through a new agency-wide policy to bar it from entering settlements where all affected stakeholders would be not be included in the final court-enforced settlement and consent decree.

Industry groups like the Chamber of Commerce have lobbied consistently against the practice of sue and settle, and Republicans on Capitol Hill have introduced legislation to confront the issue in recent years without much success.

It is "something a long time coming … and a very important day," Pruitt told reporters early Monday morning ahead of signing a memorandum directing the agency not to enter into sue and settle agreements.

"We are no longer going to be engaged in that practice anymore," he said. "What this sue and settle process has done is bypass the regulatory process altogether."

He called the practice "wrong," and said the agency is "the first agency to issue this directive in a memorandum" to challenge and stop abuse of the sue and settle process.

"It is a practice not unique to the EPA," but the number of cases brought to the agency to enter court-enforced settlements has placed it "in first place," Pruitt added.

"We are the first agency to take this action," he said, although Attorney General Jeff Sessions is "keenly interested" in engaging the issue of sue and settle across the government.

Pruitt said that "other agencies are taking notice as well."

Western Journalism

https://www.westernjournalism.com/trumps-epa-closes-regulation-thru-litigation-loophole/

Trump's EPA Closes 'Regulation Thru Litigation' Loophole

By V. Saxena, 10/16/17

EPA Administrator Scott Pruitt has announced that the agency will immediately attempt to avoid entering into legal settlements with environmentalist groups seeking to use the power of the courts to force the agency into implementing unwanted rules and regulations.

"As of today, with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told reporters at a briefing Monday, referencing an agency-wide memo issued earlier.

This practice, described by Pruitt as "regulation through litigation," involved environmental groups trying to "bypass" the traditional regulatory process by suing the EPA, forcing the agency into settlements, Bloomberg reported.

Also known as "sue and settle," the strategy became popular among environmentalists during the tenure of former President Barack Obama. During Obama's first term in office, the EPA entered into over 60 such settlements and was forced to publish over 100 new regulations.

"Both data and anecdotal evidence show that, under the Obama Administration, consent-decree settlements have become more frequent," The Heritage Foundation noted in 2014.

Robert L. Bradley, the founder and CEO of the Institute for Energy Research, even suggested in a column for The Hill two years ago that "legal collusion … has occurred between federal agencies, including the Environmental Protection Agency (EPA), and well-heeled environmental groups."

"It typically begins with agencies being sued by environmentalists for failing to meet regulatory deadlines and then agreeing to settle the disputes out-of-court," he wrote. "These settlements,

which achieve the environmentalists' goals and timeline, are written behind closed doors with little or no input from affected parties."

It's also believed the widely panned Clean Power Plan, which current President Donald Trump has only recently effectively gutted, was pieced together via this same practice.

Pruitt made it clear on Monday this sort of collusion won't be tolerated anymore.

"The days of this regulation through litigation are terminated," he announced. "'Sue and settle,' as this tactic has been called, undermines the fundamental principles of government that I outlined on my first day."

The Washington Examiner reported that during an informal briefing on Monday, Pruitt noted that the EPA was "the first agency to issue this directive in a memorandum to challenge and stop abuse of the sue and settle process."

"We are the first agency to take this action," Pruitt said.

He noted as well that this problem is "not unique to the EPA" and that Attorney General Jeff Sessions is "keenly interested" in implementing similar policies across the entire government.

But Pruitt also pointed out that settlements wouldn't themselves be banned.

"There is a time to settle cases," he said. "This is not a statement against consent decrees generally or settlements generally. It's the abuses around those practices that we are aiming at here."

Time

http://time.com/4983904/epa-regulations-rules-lawsuits-scott-pruitt/

The EPA Is Ending an Obama-Era Practice That Conservatives Say Sped Up New Rules

By Justin Worland, 10/16/17

The Environmental Protection Agency will stop issuing new environmental regulations in response to lawsuits from outside groups, ending a practice that conservatives say had been used by environmental groups during the Obama Administration to speed up the process, the agency's head said Monday.

In a briefing for reporters, EPA Administrator Scott Pruitt said that the reversal was a matter of following proper procedure.

"We are no longer going to be engaged in that practice," EPA Administrator Scott Pruitt said in a briefing for reporters. “It’s a very important day to make sure that as we engage in our rulemaking process we respect the process that Congress has established."

The EPA will also post legal petitions publicly for comment before any potential settlement with a third party and end the practice of paying attorneys fees for outside groups that sue the agency, Pruitt said.

The directive ending the practice — known among conservatives as "sue and settle" — formalizes a stance Pruitt has taken since the early days of his tenure. Pruitt criticized the practice in a speech addressing agency employees shortly after taking office. And he has since issued a verbal directive along those lines earlier this year, according to an E&E News report.

Conservative groups have long criticized "sue and settle" as running afoul of the rule of law, in particular the Administrative Procedure Act, which governs how agencies issue regulations.The move is the latest in a slew of efforts from Pruitt in his nine months on the job to shift the

direction of the agency. Last week, Pruitt formally initiated a process to revoke the Clean Power Plan, Obama's central measure aimed at fighting climate change. Asked Monday whether the agency would issue a replacement, Pruitt said "that is in process" and suggested that the agency would provide more clarity soon when it formally begins the process of soliciting public comment on the issue.

The Washington Examiner

http://www.washingtonexaminer.com/federal-judge-in-bob-menendez-bribery-case-strikes-down-request-for-acquittal/article/2637645

Federal judge in Bob Menendez bribery case strikes down request for acquittal.

By Katie Leach, 10/16/17

A federal judge overseeing the bribery case against Sen. Bob Menendez, D-N.J., says he won't dismiss any of the charges against the senator, leaving it up to the jury to decide his fate.

On Monday, Judge William Walls ruled against the defense's argument to drop the charges against the New Jersey lawmaker, claiming that they did not meet the definition of bribery under the 2016 Supreme Court decision against former Virginia Gov. Bob McDonnell.

The Democratic senator is facing 18 criminal counts alongside his friend and wealthy Floridian, Dr. Salomon Melgen.

"We are living in a real world of reality and common sense," Walls explained in a lengthy opinion he read on Monday. "The jury will decide whose version of what happened or didn't happen is more likely than not."

The Hill

http://thehill.com/blogs/floor-action/house/355687-ryan-projects-house-will-pass-tax-bill-by-early-november

Ryan projects House will pass tax bill by early November

By Cristina Marcos, 10/16/17

Speaker Paul Ryan (R-Wis.) offered an ambitious timeline on Monday for when Congress will enact tax reform this year, starting with House passage of a bill in the next month.

Ryan predicted in an interview with Milwaukee radio station WTMJ that tax overhaul legislation would pass in the House by "early November" and make it through the Senate to President Trump's desk by the end of December.

Formal legislation to reform the tax code has not yet been released.

The House adopted a budget resolution earlier this month to unlock budgetary rules known as reconciliation so that Republicans can pass tax reform and circumvent a Democratic filibuster in the Senate.

Ryan expressed optimism that Republicans would have more success with tax reform than with their failed efforts to repeal and replace the 2010 health care law.

Ryan outlined three reasons why the GOP has a better shot at passing tax reform than they did with ObamaCare repeal.

He maintained that Republicans tend to agree more generally on tax principles; the White House and top House and Senate leaders released a tax reform blueprint; and the reconciliation process

will allow Republicans to accomplish all of their goals on a tax overhaul in one bill, in contrast to the health care effort.

Multiple GOP health care proposals such as selling insurance plans across state lines and medical liability reform could not be included in the reconciliation measure due to Senate budget rules. That frustrated GOP lawmakers who could only consider those proposals in legislation that would be subject to Senate filibusters.

"So the procedure and the process is much more direct and streamlined. Republicans are more in agreement on how to do it. And we pre-agreed with the House, the Senate and the White House at the front end of this on how to do it. And that's where we stand and that's why we're on track," Ryan said.

The Speaker acknowledged that Republicans, by contrast, don't hold widespread views on health care policy, despite unified opposition to ObamaCare for seven years.

"Frankly, Republicans with each other didn't necessarily agree on how to do health care," Ryan said.

The Senate is expected to consider its version of the budget this week. The two chambers' budgets will have to be reconciled before the GOP can use reconciliation on tax reform.

Once Republicans in both chambers of Congress agree on a budget, the tax-writing House Ways and Means Committee is expected to release legislative text that adheres to its revenue outlines.

Tax legislation would then go through the Ways and Means Committee before reaching the House floor for a vote.

Ryan's projection of House passage by early November puts lawmakers on a tight schedule.

The House is not in session this week and GOP leaders allowed members to depart Washington a day early last week following passage of a $36.5 billion aid package for Puerto Rico and other areas afflicted by recent natural disasters. Lawmakers won't be back at the Capitol until next Monday.

Ryan previously offered ambitious timelines for when Republicans would pass legislation to repeal and replace the health care law that never came to fruition.

At the start of this year, Ryan expressed a goal of wanting to pass a health care bill by Trump's 100th day in office at the end of April.

When that didn't happen, Republicans later aimed for clearing legislation by the August recess. The House did pass a repeal-and-replace bill in May, but the Senate was unable to approve its own version.

In the end, the reconciliation vehicle Republicans intended to use for a health care overhaul expired at the end of the 2017 fiscal year in September.

Fox News

http://www.foxnews.com/politics/2017/10/16/trump-mcconnell-pledge-unity-on-tax-reform-health-care-after-feud.html

Trump, McConnell pledge unity on tax reform, health care after feud

By Staff, 10/16/17

President Trump exited a White House meeting Monday with Sen. Mitch McConnell saying his relationship with the Senate majority leader is "better than ever" and they are working together on major legislative priorities including tax and health care reform.

“We’ve been friends for a long time,” Trump said at a Rose Garden press conference following his meeting with McConnell, with whom he had a public falling out this summer. “We’re fighting for big tax cuts. ... My relationship with this gentleman has been outstanding.”

Trump also said they are working on a measure to repeal and replace ObamaCare by early next year.

“We have the same agenda. … We talk all of the time,” said McConnell, who said their meeting also included discussions about judicial appointments and additional hurricane relief funding. "We are together totally on this agenda to move America forward."

McConnell’s office earlier this week portrayed the White House meeting as a pro forma discussion about Republicans’ legislative agenda through the fall, which would include big-ticket items like tax reform, immigration and perhaps revisiting health care reform.

However, the meeting was also the first real face-to-face the leaders have had since their public rift over the summer, after the Republican-controlled Senate failed give Trump his first major legislative victory by repealing and replacing ObamaCare.

Trump in August said he was “very disappointed in Mitch,” after McConnell, R-Ky., said the president had “excessive expectations” about the legislative process.

A McConnell spokesman told Fox News on Sunday that the senator’s meeting with Trump also would include discussions on completing a budget resolution, confirming qualified judicial and other nominees and considering hurricane relief funding.

Trump and McConnell spent a considerable amount of time during their roughly 30-minute press

conference talking about such judicial nominations.

McConnell called Trump getting Justice Neil Gorsuch on the high court "the single most important thing the president has done."

Trump argued Senate Democratic leader Chuck Schumer "and his group" are holding up "every single nomination," which he called "beyond comprehension."

Trump also hinted at presenting an economic development plan in the near future, in a wide-ranging press conference in which he also said NFL players should be suspended for sitting during the national anthem. And he taunted 2016 presidential rival Hillary Clinton on the possibility of a rematch, saying "please run again."

The meeting came as conservative groups and former Trump chief political strategist Steve Bannon are pressuring McConnell and other congressional Republicans to relinquish their leadership posts.

"This is our war," Bannon said Saturday at a gathering of religious conservatives," "The establishment started it. ... You all are going to finish it."

Ken Cuccinelli, a former Virginia attorney general who now leads the Senate Conservatives Fund, said Wednesday on Capitol Hill, said: "We call on all five members of the GOP Senate leadership to step down, or for their caucus to remove them as soon as possible."

Meanwhile, Senate Republicans appear to be rallying around McConnell.

"Mitch McConnell's not our problem," Sen. Lindsey Graham, R-S.C., said Sunday. "Our problem is that we promised to repeal and replace ObamaCare, and we failed. We promised to cut taxes and we have yet to do it."

GOP Sen. Susan Collins, a moderate from Maine who was a critical “no” vote on health care, said Americans are tired of Bannon-like rhetoric.

"They don't want this hyper-partisanship,” she said. Mitch McConnell is the Senate majority leader. "The president needs him. I'm glad they're working together on tax reform and a lot of other issues. And I'm glad they're meeting this week."

In August, Trump tweeted: “Can you believe that Mitch McConnell, who has screamed Repeal & Replace for 7 years, couldn’t get it done. Must Repeal & Replace ObamaCare!”

McConnell responded to Trump’s Twitter barrage by saying the challenges of governing shouldn’t be a surprise.

"A lot of people look at all that and find it frustrating, messy. Well, welcome to the democratic process,” McConnell said at a GOP event in Kentucky this summer. “That's the way it is in our country."

Twitter

Donald J. Trump @realDonaldTrump · 7h

Art Laffer just said that he doesn't know how a Democrat could vote against the big tax cut/reform bill and live with themselves! @FoxNews

9.2K 8.8K 37K

Donald J. Trump @realDonaldTrump · 7h

Replying to @realDonaldTrump

The Democrats only want to increase taxes and obstruct. That's all they are good at!

12K 8.5K 36K

Donald J. Trump @realDonaldTrump · 7h

Dem Senator Schumer hated the Iran deal made by President Obama, but now that I am involved, he is OK with it. Tell that to Israel, Chuck!

7.2K 13K 46K

Donald J. Trump @realDonaldTrump · 7h

Since Election Day on November 8, the Stock Market is up more than 25%, unemployment is at a 17 year low & companies are coming back to U.S.

9.6K 12K 54K

Donald J. Trump @realDonaldTrump · 7h

The U.S. has gained more than 5.2 trillion dollars in Stock Market Value since Election Day! Also, record business enthusiasm.

12K 12K 56K

Donald J. Trump @realDonaldTrump · 6h

I was recently asked if Crooked Hillary Clinton is going to run in 2020? My answer was, "I hope so!"

33K 22K 90K

To: Ford, Hayley[ford.hayley@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Hewitt, James[hewitt.james@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Letendre, Daisy[letendre.daisy@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]
Sent: Mon 10/16/2017 9:15:58 PM
Subject: RE: EPA Afternoon Highlights 10.16.17

Yup she's laughing all the way to the bank.

From: Ford, Hayley
Sent: Monday, October 16, 2017 5:02 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: EPA Afternoon Highlights 10.16.17

Yes and every single press article called her out for it so that really backfired.

Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

ford.hayley@epa.gov

Phone: 202-564-2022

Cell: 202-306-1296

From: Dravis, Samantha

Sent: Monday, October 16, 2017 5:00 PM
To: Hewitt, James <hewitt.james@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: EPA Afternoon Highlights 10.16.17

I'm sorry.. Betsy Southerland was making $250,000? That is absolutely outrageous.

From: Hewitt, James
Sent: Monday, October 16, 2017 4:43 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Letendre, Daisy <letendre.daisy@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: EPA Afternoon Highlights 10.16.17

EPA Afternoon Highlights 10.16.17

-

Bloomberg: Trump's EPA Swears Off Settling Lawsuits With Environmentalists

The Trump administration moved Monday to curb settlements with environmentalists, instead vowing to fight cases designed to force the Environmental Protection Agency to take action. EPA Administrator Scott Pruitt said he is ending a "sue-and-settle" practice that has resulted in committing the agency to regulating greenhouse gas emissions from power plants and refineries, among other things. "As of today with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told reporters at a briefing Monday. Pruitt promised in an address to EPA employees in February to avoid "regulation through litigation" and later instructed agency staff to limit the practice.

The Washington Free Beacon: PBS Airs Anti-Pruitt Documentary Funded By Environmentalist Group Backer

A new PBS Frontline documentary that paints Environmental Protection Agency administrator Scott Pruitt as a tool for the fossil fuel industry received major funding from a group that has given hundreds of thousands of dollars to environmentalist activists like the Sierra Club. The documentary, "War on the EPA," received major support from the Kendeda Fund, an Atlanta-based nonprofit focused on the environment and sustainability. The documentary features interviews with numerous Obama administration backers, including Gina McCarthy, the former EPA administrator, and Betsy Southerland, a former EPA director making $250,000 who claimed earlier this year she resigned in protest because of the Trump administration's budget. Southerland was eligible for early retirement and told coworkers she was retiring because of family issues.

The Washington Post: EPA Administrator Pruitt issues directive to curb settlements with outside groups

Environmental Protection Agency Administrator Scott Pruitt issued a directive on Monday to constrain the type of legal agreements the EPA can reach with groups pressuring it to regulate, a move he said could be copied by other federal agencies. Ending the practice known as “sue and settle” has long been a top priority for conservatives and business groups. In recent years, especially under the Obama administration, the EPA and other agencies resolved litigation over delays in issuing rules by agreeing to specific timelines to act and reimbursing plaintiffs’ attorney fees. In a news briefing, Pruitt said he was taking action to ensure that consent decrees “are not used in an abusive fashion to subvert due process” and to exclude the public from weighing in.

Red State: Scott Pruitt Ends EPA Welfare Payments To Environmental Groups

One of the most egregious things about the EPA has always been the way it operated for the benefit of the large “environmental” groups and against the interests of states, communities, and individuals. Perhaps the worst part of this criminal collusion was the way the EPA used lawsuits against the EPA, coordinated with environmental groups, to short-circuit the rule-making process, deprive the public of a their right to petition the government, and keep the coffers of environmental groups topped off with EPA cash… Sometimes decrees were negotiated and approved that exceeded the authority of the court approving the decree…this is a different but related issue of the EPA and environmentalist groups cherry-picking courts and judges.

Talking Points Memo: EPA Chief Pruitt Looks To Kneecap Environmental Groups With New Policy

The head of the Environmental Protection Agency in effect declared trench warfare on

environmental groups on Monday, ending a practice he dubbed "Sue & Settle" by which the EPA would often settle lawsuits brought by outside groups in an attempt to get the agency to enforce its own rules. "As of today with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told a small group of reporters, including TPM, Monday morning at the EPA. "It's a regulation through litigation process." Pruitt painted the policy as a way that environmental groups profited off the agency during the Obama years, while those groups worked together to circumvent the normal rule-making process and create more stringent environmental regulations.

The Daily Caller: Trump's EPA Is Cracking Down On 'Sue And Settle' Lawsuits

Environmental Protection Agency (EPA) Administrator Scott Pruitt signed a directive ending an Obama-era legal practice that conservatives criticized as giving outside activists control of the regulatory process. "The days of regulation through litigation are over," Pruitt said in a statement issued Monday. Pruitt's order curbs the number of cases EPA settles with outside activist groups that file so-called "citizen suits." Outside groups, especially environmentalists, file citizen suits to force a federal agency to begin the rulemaking process. During the settlement process, environmentalists and government lawyers get to set new timetables for new regulations. States, industry groups and other third parties are largely left out of the settlement process.

The Washington Times: EPA to end Obama-era 'sue and settle' practice

The Trump administration on Monday took steps to end the highly controversial "sue and settle" practice that led directly to a host of environmental regulations throughout former President Obama's tenure. In an agency-wide directive, Environmental Protection Agency Administrator Scott Pruitt said the process has "harmed the American public" and kept citizens in the dark about exactly how rules and regulations are made. "The days of regulation through litigation are over," Mr. Pruitt said in a statement. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle."

Fox News: EPA's Pruitt moves to end Obama-era practice of 'sue and settle' with environmentalists

EPA Administrator Scott Pruitt moved Monday to end a controversial practice known as "sue and settle," which critics said was used during the Obama administration to cut deals with environmental groups leading to new regulations. "The days of regulation through litigation are over," Pruitt said in a statement, announcing a new EPA directive Republicans, including Pruitt,

had fought with the Obama administration in court over what they described as a back-room practice that led to more red tape. They claimed the EPA routinely entered into consent decrees with environmental groups that had sued the agency, in turn leading to new regulations for states – covering clean air rules and more – without allowing them to defend their interests.

Reuters: U.S. EPA head seeks to avoid settlements with green groups

The head of the U.S. Environmental Protection Agency issued a directive to his agency on Monday seeking to end the practice of settling lawsuits with environmental groups behind closed doors, saying the groups have had too much influence on regulation. EPA Administrator Scott Pruitt, who sued the agency he now runs more than a dozen times in his former job as attorney general of oil producing Oklahoma, has long railed against the so-called practice of "sue and settle." The EPA under former President Barack Obama quietly settled lawsuits from environmental groups with little input from regulated entities, such as power plants, and state governments, he argues. The directive seeks to make EPA more transparent about lawsuits by reaching out to states and industry that could be affected by settlements, forbidding the practice of entering into settlements that exceed the authority of courts, and excluding attorney's fees and litigation costs when settling with groups.

The Washington Examiner: Trump's EPA sets precedent by becoming first agency to end 'sue and settle' practice

The Environmental Protection Agency on Monday became the first of President Trump's agencies to issue an order barring the agency from being drawn into court settlements that alter environmental outcomes to the liking of environmental and other special interest groups. "The days of regulation through litigation are over," EPA chief Scott Pruitt declared in a statement. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress."

Western Journalism: Trump's EPA Closes 'Regulation Thru Litigation' Loophole

EPA Administrator Scott Pruitt has announced that the agency will immediately attempt to avoid entering into legal settlements with environmentalist groups seeking to use the power of the courts to force the agency into implementing unwanted rules and regulations. "As of today, with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told reporters at a briefing Monday, referencing an agency-wide memo issued earlier. This practice, described by Pruitt as "regulation through litigation," involved environmental groups trying to "bypass" the traditional regulatory process by suing the EPA, forcing the agency into settlements, Bloomberg reported.

Time: The EPA Is Ending an Obama-Era Practice That Conservatives Say Sped Up New Rules

The Environmental Protection Agency will stop issuing new environmental regulations in response to lawsuits from outside groups, ending a practice that conservatives say had been used by environmental groups during the Obama Administration to speed up the process, the agency's head said Monday. In a briefing for reporters, EPA Administrator Scott Pruitt said that the reversal was a matter of following proper procedure. "We are no longer going to be engaged in that practice," EPA Administrator Scott Pruitt said in a briefing for reporters. "It's a very important day to make sure that as we engage in our rulemaking process we respect the process that Congress has established."

-

National Afternoon News Highlights 10.16.17

The Washington Examiner: Federal judge in Bob Menendez bribery case strikes down request for acquittal

A federal judge overseeing the bribery case against Sen. Bob Menendez, D-N.J., says he won't dismiss any of the charges against the senator, leaving it up to the jury to decide his fate. On Monday, Judge William Walls ruled against the defense's argument to drop the charges against the New Jersey lawmaker, claiming that they did not meet the definition of bribery under the 2016 Supreme Court decision against former Virginia Gov. Bob McDonnell. The Democratic senator is facing 18 criminal counts alongside his friend and wealthy Floridian, Dr. Salomon Melgen.

The Hill: Ryan projects House will pass tax bill by early November

Speaker Paul Ryan (R-Wis.) offered an ambitious timeline on Monday for when Congress will enact tax reform this year, starting with House passage of a bill in the next month. Ryan predicted in an interview with Milwaukee radio station WTMJ that tax overhaul legislation would pass in the House by "early November" and make it through the Senate to President Trump's desk by the end of December. Formal legislation to reform the tax code has not yet been released. The House adopted a budget resolution earlier this month to unlock budgetary rules known as reconciliation so that Republicans can pass tax reform and circumvent a Democratic filibuster in the Senate.

Fox News: Trump, McConnell pledge unity on tax reform, health care after feud

President Trump exited a White House meeting Monday with Sen. Mitch McConnell saying his relationship with the Senate majority leader is "better than ever" and they are working together on major legislative priorities including tax and health care reform. "We've been friends for a long time," Trump said at a Rose Garden press conference following his meeting with McConnell, with whom he had a public falling out this summer. "We're fighting for big tax cuts. ... My relationship with this gentleman has been outstanding." Trump also said they are working on a measure to repeal and replace ObamaCare by early next year.

TRUMP TWEETS

Bloomberg

https://www.bloomberg.com/news/articles/2017-10-16/trump-s-epa-swears-off-settling-lawsuits-with-environmentalists

Trump's EPA Swears Off Settling Lawsuits With Environmentalists

By Jennifer Dlouhy, 10/16/17

The Trump administration moved Monday to curb settlements with environmentalists, instead vowing to fight cases designed to force the Environmental Protection Agency to take action.

EPA Administrator Scott Pruitt said he is ending a "sue-and-settle" practice that has resulted in committing the agency to regulating greenhouse gas emissions from power plants and refineries, among other things.

"As of today with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told reporters at a briefing Monday.

Pruitt promised in an address to EPA employees in February to avoid "regulation through litigation" and later instructed agency staff to limit the practice. Separately, Attorney General

Jeff Sessions has barred federal attorneys from negotiating settlements that result in payments from companies to third-party organizations, such as environmental groups.

But Pruitt's new directive makes it formal. Under the policy, the agency will publicize legal petitions that could lead to settlements and proposed agreements. The EPA also will not agree to substantively change regulatory timelines -- such as making commitments to rapidly issue rules -- through the settlement process.

The move takes aim at a practice conservatives have long criticized as empowering environmental groups to force federal agencies to issue regulations and commit to timelines for imposing them. Agencies that agree to settle with those groups -- and stop defending themselves in court -- generally negotiate the agreements privately, without the kind of public process that typically guides federal rulemaking. The resulting agreements effectively allow outside groups to hijack a federal agency's agenda, opponents say.

"It's a regulation through litigation process" that serves to "bypass" the formal rulemaking process, Pruitt told reporters at a briefing Monday. "As of today with this directive and the memorandum, we're no longer going to be involved in that practice."

Recent U.S. clean air rules have been driven by such legal settlements, including former President Barack Obama's Clean Power Plan, which aims to pare greenhouse gas emissions from electricity. Pruitt's EPA proposed repealing that initiative last week.

In December 2010, the EPA pledged to set curbs on carbon dioxide emissions from power plants and oil refineries as part of a settlement with environmental groups and more than a dozen state and local governments. The EPA blew the deadline for the power plant rule -- originally due in May 2012, though finally imposed more than three years later -- and never finalized similar standards for refineries.

"There is a time to settle cases," Pruitt said. "This is not a statement against consent decrees generally or settlements generally. It's the abuses around those practices that we are aiming at here" to make sure they are not used to "subvert" the process.

This is going to be applied "across the board," with every plaintiff that sues the agency. "This is not particular to one type of plaintiff," Pruitt said.

The EPA settled more than 60 lawsuits with outside groups between 2009 and 2012, resulting in more than 100 new regulations, according to the U.S. Chamber of Commerce, which has criticized the practice.

"Over the past decade, the business community has expressed growing concern about interest groups using lawsuits against federal agencies and subsequent consent decrees approved by a court as a shortcut technique to influence agencies' regulatory agendas," Chamber senior vice president William Kovacs told a House subcommittee hearing in May.

Advocacy groups sometimes sue to compel federal agencies to act when they are slow to finalize requirements or are ignoring an issue altogether. For instance, the EPA settlement on greenhouse gases from power plants and refineries came in part because the agency did not tackle the issue despite a 2009 conclusion that the emissions endanger the public health and welfare.

The federal government doesn't just settle lawsuits with environmental organizations. Lawsuits filed by trade associations and special interest groups as well as corporations are also fair game for legal settlements.

Any policy that discourages negotiations aimed at resolving those lawsuits early could lead to more protracted court battles, legal experts said.

"Lawsuits are incredibly expensive," said Joshua Galperin, a research scholar at Yale Law School. "Environmental groups and industry groups both -- and those are the groups who sue EPA -- they're both well-funded" and "can continue the process of a lawsuit really as long as it takes."

The Washington Free Beacon

http://freebeacon.com/politics/pbs-airs-anti-pruitt-documentary-funded-environmentalist-group-backer/

PBS Airs Anti-Pruitt Documentary Funded By Environmentalist Group Backer

By Elizabeth Harrington, 10/16/17

A new PBS Frontline documentary that paints Environmental Protection Agency administrator Scott Pruitt as a tool for the fossil fuel industry received major funding from a group that has given hundreds of thousands of dollars to environmentalist activists like the Sierra Club.

The documentary, "War on the EPA," received major support from the Kendeda Fund, an Atlanta-based nonprofit focused on the environment and sustainability.

The documentary features interviews with numerous Obama administration backers, including Gina McCarthy, the former EPA administrator, and Betsy Southerland, a former EPA director making $250,000 who claimed earlier this year she resigned in protest because of the Trump administration's budget. Southerland was eligible for early retirement and told coworkers she was retiring because of family issues.

Southerland tells PBS that Pruitt's EPA is a "clear and present danger to public health and safety in this country."

The documentary calls critics of the Obama administration's wide-ranging regulatory actions targeting the coal industry and nuclear power plants "climate deniers" and "extreme." The PBS narrator refers to Sen. James Inhofe (R., Okla.) as "the Senate's leading climate change denier" and features Jane Mayer, a journalist with the New Yorker, calling the Trump EPA "radical."

"What you see now in the Trump administration is the triumph of the anti-environmental movement," Mayer says. "They are now in control of the government and in control of the regulatory process in a kind of a brazen way we haven't seen before."

Obama administration alums are depicted as crusaders against pollution, as they appear in interviews dismayed by President Trump and Pruitt following through on campaign promises to roll back environmental regulations.

Gina McCarthy said the repeal of the Clean Power Plan, which was blocked by the Supreme Court and could have shrunk the coal industry by nearly half, was "disturbing."

Eric Schaeffer, a former EPA director of civil enforcement, called Pruitt's EPA a "hostile takeover" and a "political operation."

Jerry Taylor, a former fellow at the Cato Institute who now is in favor of a carbon tax, tells PBS the "conservative narrative" of a war on coal was "disconnected from reality."

PBS does not include clips in the documentary of Obama and Hillary Clinton discussing the coal industry. Obama said, "electricity rates would necessarily skyrocket" under his cap and trade plan, while Clinton boasted during a debate, "We are going to put a lot of coal miners and coal companies out of business."

PBS also interviews Eric Lipton of the New York Times, who was bothered by paintings in Pruitt's old attorney general office in Oklahoma that pictured sheriffs in the Old West and a Native American sheriff.

"When I first got to [Pruitt's] office, there were these large paintings on the wall," Lipton said. "It just struck me that this was the real Wild West, that we will dispense our own justice." The camera zoomed in on the painted gun in a holster, as ominous music played.

PBS also attempts to tie Pruitt to the Koch brothers and paints a picture of the administrator receiving dark money from oil and gas companies.

PBS says, "Much of the Koch's fortune came from oil and gas, and they would spend millions opposing Obama's initiatives."

The documentary received major funding from Kendeda, which in turn has donated to many liberal groups that lobby for climate change regulations. On its website, Kendeda encourages "activism that promotes solutions to the social and equity challenges caused by climate change."

Kendeda has donated to numerous environmentalist activist organizations, including: $70,000 to the Sierra Club, $50,000 to Earthjustice, $50,000 to the Southern Alliance for Clean Energy, and $500,000 to the U.S. Climate Action Network in 2015.

A spokesperson for WGBH, which put on the documentary, told the Free Beacon that the Kendeda Fund did not directly fund the documentary.

"The Kendeda Fund provides support to many organizations and groups, including schools and military families, and they have provided funding to WGBH under their People, Place, and Planet program for use in a variety of WGBH programs," said Jeanne Hopkins, vice president for communications. "Some was used to support this FRONTLINE film, along with its many other funding sources. They did not directly fund this program."

"War on the EPA was a political story full of voices on both sides of a contentious issue," Hopkins continued. "The film spent considerable time illuminating the roots of conservative thinking and action towards the EPA and featured key figures from industry and the movement around Scott Pruitt, including Bob Murray, CEO of Murray Energy and Myron Ebell, the head of President Trump's EPA transition team."

The group also donated $250,000 to the New Venture Fund, which also supports environmentalist organizations. The same year, New Venture Fund donated $515,000 to the Sierra Club Foundation and $95,000 to 350.org, which vows to "stop fossil fuels."

The documentary also features Andrew Miller, a lobbyist for Southern Company, who was asked

by PBS if it was "unseemly" that oil and gas companies lobbied against Obama's environmental regulations and that Pruitt and other Republican attorneys general filed lawsuits to stop the rules.

"Not at all," Miller said. "And the reason I say that is you have the Sierra Club partnering with attorneys general on the other side."

"It's all part of the Democratic process," he said.

The Washington Post

https://www.washingtonpost.com/politics/epa-administrator-pruitt-issues-directive-to-curb-settlements-with-outside-groups/2017/10/16/b62967ba-b280-11e7-be94-fabb0f1e9ffb_story.html?utm_term=.aaefc224f3ed

EPA Administrator Pruitt issues directive to curb settlements with outside groups

By Juliet Eilperin, 10/16/17

Environmental Protection Agency Administrator Scott Pruitt issued a directive on Monday to constrain the type of legal agreements the EPA can reach with groups pressuring it to regulate, a move he said could be copied by other federal agencies.

Ending the practice known as “sue and settle” has long been a top priority for conservatives and business groups. In recent years, especially under the Obama administration, the EPA and other agencies resolved litigation over delays in issuing rules by agreeing to specific timelines to act and reimbursing plaintiffs’ attorney fees.

In a news briefing, Pruitt said he was taking action to ensure that consent decrees “are not used in an abusive fashion to subvert due process” and to exclude the public from weighing in.

"It's very important that we do not get engaged in regulation through litigation," he said. "This is something that is a long time coming with respect to this agency."

Pruitt said his action will not bar the EPA from reaching settlements with outside litigants but that he wanted to block any agreements "changing a discretionary duty to a nondiscretionary duty."

He said it also was important to end the payout of attorney fees, since such settlements have "no prevailing party" and some payments are part of informal agreements that cannot be easily tracked.

The directive will provide for greater disclosure of potential settlements by directing the EPA to publish any notice of intent to sue within 15 days of receiving it; reaching out to states and any other entities potentially affected by such suits; and posting any proposed or modified consent decrees and settlements for a 30-day public comment period.

His push is part of a broader effort by the Trump administration to limit federal funding to outside groups as part of litigation. In June, Attorney General Jeff Sessions issued a memo to block payments to third-party, not-for-profit groups as part of environmental settlements. Instead of allowing defendants to fund environmental measures as a way of meeting their obligations for violating the law, Sessions argued, such penalties should go directly to the U.S. Treasury.

But environmentalists question whether Pruitt's directive, inspired by a memorandum that then-Attorney General Edwin Meese issued in the 1980s, will have much direct impact. The Clean Air Act and other environmental laws provide citizens and outside groups broad latitude to sue the EPA when it is failing to meet statutory deadlines, and the judge handling such cases typically determines the amount of legal fees the government must pay as part of any consent decree.

"That's not his decision to make," John Walke, of the Natural Resources Defense Council's Clean Air Project, said in an interview Monday. "A judge can impose attorney fees when an agency violates the law and citizens file suit to hold the government accountable."

The Clean Air Act already requires the EPA and the Justice Department to provide a 30-day public comment period for all consent decrees and settlement agreements before they are finalized or filed with a court, Walke said. Pruitt's action is "a lot of political puffery," he said.

Pruitt emphasized that some agreements the Obama administration reached with environmental groups, such as one aimed at curbing regional haze, were forged without the input of affected states. In that particular case, he noted, North Dakota sought to intervene but was excluded. Nonetheless, the consent decree "imposed obligations" on North Dakota once it was finalized.

The Government Accountability Office, which published a 2014 report on the EPA's practice of settling with outside groups, found that the agreements it examined had only "limited" impact on the agency's rulemaking process.

Officials in the agency's air quality office, according to the GAO, "said that deadline suits affect the timing and order in which rules are issued but not which rules are issued."

Red State

https://www.redstate.com/streiff/2017/10/16/scott-pruitt-epa-sue-and-settle/

Scott Pruitt Ends EPA Welfare Payments To Environmental Groups

By Strieff, 10/16/17

One of the most egregious things about the EPA has always been the way it operated for the benefit of the large "environmental" groups and against the interests of states, communities, and individuals. Perhaps the worst part of this criminal collusion was the way the EPA used lawsuits against the EPA, coordinated with environmental groups, to short-circuit the rule-making process, deprive the public of a their right to petition the government, and keep the coffers of environmental groups topped off with EPA cash.

his is how it worked:

"Sue and Settle " practices, sometimes referred to as "friendly lawsuits", are cozy deals through which far-left radical environmental groups file lawsuits against federal agencies wherein court-ordered "consent decrees" are issued based upon a prearranged settlement agreement they collaboratively craft together in advance behind closed doors. Then, rather than allowing the entire process to play out, the agency being sued settles the lawsuit by agreeing to move forward with the requested action they and the litigants both want.

In other words, the agency throws the case, somewhat like Bre'r Rabbit agreeing to be thrown into a favorite brier-patch. A big difference however, is that in this case, Farmer McGregor andMr. Rabbit were partners in the scam from the beginning. It's the unwary American public that actually does get caught in the thorns.

While the environmental group is given a seat at the table, outsiders who are most impacted are excluded, with no opportunity to object to the settlements. Accordingly, both the litigants and the defendant agency, operating in coffee bars and friendly courtroom shadows, avoid the harsh outside glare of oversight. No public notice about the settlement is released until the agreement is filed in court…after the damage has been done.

Sometimes decrees were negotiated and approved that exceeded the authority of the court approving the decree…this is a different but related issue of the EPA and environmentalist groups cherry-picking courts and judges. Not only do the 'green' groups often get cash payouts above and beyond attorney's fees, the policies they impose are often detrimental and would never have been enacted had state and local officials had the opportunity to weigh in:

The Chamber's study author, William Yeatman, Assistant Director for Energy and Environment at the Competitive Enterprise Institute (CEI), emphasizes that EPA's abuse of its Regional Haze authority forces states to relinquish their authority and accept EPA's far more expensive plans, thereby increasing consumer utility charges. He concluded that: "… no state is immune from having its rightful Regional Haze authority trampled by EPA at profound costs for virtually nonexistent benefits."

Having conducted eight state case studies, Yeatman found that:

•□□□□□□□□ In Arizona, EPA's Regional Haze regulation threatens to increase the cost of water, forcing the state to spend an additional $90.2 million per year to implement the federal regulation.

•□□□□□□□□ In Montana, EPA's proposed Regional Haze controls are nearly 250% more expensive than what that agency's standing rules presume to be "cost-effective" for compliance,

•□□□□□□□□ In 2011, the EPA disregarded New Mexico's Regional Haze plan, instead imposing a federal plan that requires nearly $840 million more in capital costs…potentially raising average annual household utility bills by $120.

•□□□□□□□□ Although North Dakota is one of only 12 states that achieves all of EPA's air quality standards for public health, it would not be able to achieve EPA's Regional Haze goals for visibility even by shutting down all industry. The EPA plan would also cost the state an additional $13 million per year,

•□□□□□□□□ Refusing to approve Oklahoma's Regional Haze plan, the EPA's plan would cost the state $282 million annually.

•□□□□□□□□ In Wyoming, the EPA proposed a federal implementation plan that would cost almost $96 million per year more than the state's plan.

•□□□□□□□□ Minnesota is subject to back-to-back Regional Haze regulations, whereby EPA is claiming authority to regulate regional haze twice in succession at its Sherburne County generating plant.

•□□□□□□□□ EPA's proposed plan would cost Nebraska nearly $24 million per year to achieve invisible "benefits".

The deals were cloaked in secrecy and top EPA officials were very much hands-on in working to use these agreements to keep the public in the dark:

Unfortunately, getting federal agencies to comply with formal FOIA requests isn't proving to be easy. And to make matters worse, there is evidence that top bureaucrats have even used private e-mail accounts and aliases to cover culpability tracks.

For example, Senator Vitter, along with Representative Darrell Issa (R-Calif.) who heads the

House Oversight and Government Reform Committee, recently sent a letter to James Martin, EPA's Region 8 administrator, warning him: "The use of personal, non-official e-mail accounts raises concerns that you could be attempting to insulate this and other e-mail correspondence from a Freedom of Information Act request. Moreover, your actions may also constitute violation of the Federal Records Act"…evading congressional oversight of federal agencies.

One of those private e-mails at issue involved an exchange between Martin and Vickie Patton, the General Counsel for the Environmental Defense Fund, regarding an arranged meeting with him. Patton wrote: "Hi Jim, Next Monday or Tuesday December 12/13 at 9am depending on which is best for you." Responding, Martin replied: "January 13 at 9:00 am works for me if it works for you. (Lost your original note-is that the date and time you proposed?" Vitter and Issa have confirmed that the meeting did, in fact, take place at the EPA regional office.

Several Martin e-mails were released by EPA as the result of a FOIA lawsuit lodged by Christopher Horner of the Competitive Enterprise Institute. Horner's efforts also revealed evidence that former EPA Administrator Lisa Jackson was conducting official agency business under cover of the alias name "Richard Windsor", and CEI also sued EPA seeking e-mails concerning the EPA's behind-the-scenes regulatory war on coal plants. Horner's new book, The Liberal War on Transparency, discusses this and other tricks.

Suspicions abound that the exposure of Jackson's undercover communications had much to do with her departure decision shortly afterwards. Senator Vitter commented: "I think this e-mail issue clearly spurred Lisa Jackson's resignation. But it's much broader than her. It's about a culture of hiding an extreme agenda from Americans because it can't be sustained in public debate."

For more information you need to read this report by Heritage and these links from US Chamber of Commerce (here | here).

Shortly after he was nominated, EPA Administrator Scott Pruitt said that he would end this anti-democratic process. Today he delivered.

In fulfilling his promise to end the practice of regulation through litigation that has harmed the American public, EPA Administrator Scott Pruitt issued an Agency-wide directive today

designed to end "sue and settle" practices within the Agency, providing an unprecedented level of public participation and transparency in EPA consent decrees and settlement agreements.

"The days of regulation through litigation are over," said EPA Administrator Scott Pruitt. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle."

…

"Sue and settle" cases establish Agency obligations without participation by states and/or the regulated community; foreclose meaningful public participation in rulemaking; effectively force the Agency to reach certain regulatory outcomes; and, cost the American taxpayer millions of dollars.

Read the whole letter.

Of course, the EPA is still bound by past shenanigans but going forward the 'green' groups will find the EPA is not a willing partner in litigation.

Talking Points Memo

http://talkingpointsmemo.com/dc/epa-chief-scott-pruitt-looks-to-kneecap-environmental-groups-with-new-sue-and-settle-policy

EPA Chief Pruitt Looks To Kneecap Environmental Groups With New Policy

By Cameron Joseph, 10/16/17

The head of the Environmental Protection Agency in effect declared trench warfare on environmental groups on Monday, ending a practice he dubbed "Sue & Settle" by which the EPA would often settle lawsuits brought by outside groups in an attempt to get the agency to enforce its own rules.

"As of today with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told a small group of reporters, including TPM, Monday morning at the EPA. "It's a regulation through litigation process."

Pruitt painted the policy as a way that environmental groups profited off the agency during the Obama years, while those groups worked together to circumvent the normal rule-making process and create more stringent environmental regulations.

"We should engage in rule-making that takes into consideration the voices that will be impacted across the country," he said. "What this sue-and-settle practice has done historically has bypassed that altogether."

The rule change could force environmental groups to spend much more time and effort on lawsuits aimed at making the EPA enforce its own rules and abide by agreed-upon timelines—spreading them thinner and making it harder for them to expend effort on other, more complicated cases. The EPA's decision to refuse to reimburse lawyers' fees also could be costly to environmental groups, as well as make it harder and less likely for average citizens and localities to undertake lawsuits to get the EPA to do what it's legally required to do.

Pruitt pledged that the agency would no longer reimburse attorneys' fees in cases where it decides to avoid a lawsuit, arguing that both environmental and business groups had abused it to enrich themselves in the past.

"This is not particular to one type of plaintiff," he said. "There should be no attorneys' fees paid, period, no matter who the plaintiff is."

Combined with measures to slash staff, a pattern of issuing fewer and lighter fines, and the rollback of Obama-era rules that crack down on greenhouse gas emissions from power plants to mitigate the effects of climate change, Pruitt's latest move is part of an overall shift at Trump's EPA that's radically more friendly to big business and hostile towards environmental groups.

The U.S. Chamber of Commerce, for instance, has railed against "Sue & Settle" for years.

The new memorandum formalizes a position of fighting every lawsuit tooth-and-nail that Pruitt had announced early in his tenure at the EPA. Back in February, he'd promised he wouldn't allow "regulation through litigation." The Justice Department also has stopped negotiating settlements that end up with payments to outside groups to cover attorneys' or other fees.

Fewer than a dozen reporters were included at the event with Pruitt, and some of them, including TPM, rarely if ever cover the environmental beat closely—a fact that frustrated some environmental reporters who weren't invited to attend:

Hear the full audio of the event below:

https://soundcloud.com/user-850821996/epa-administrator-scott-pruitt-speaks-to-reporters

The Daily Caller

http://dailycaller.com/2017/10/16/trumps-epa-is-cracking-down-on-sue-and-settle-lawsuits/?utm_source=site-share

Trump's EPA Is Cracking Down On 'Sue And Settle' Lawsuits

By Mike Bastasch, 10/16/17

Environmental Protection Agency (EPA) Administrator Scott Pruitt signed a directive ending an Obama-era legal practice that conservatives criticized as giving outside activists control of the regulatory process.

"The days of regulation through litigation are over," Pruitt said in a statement issued Monday.

Pruitt's order curbs the number of cases EPA settles with outside activist groups that file so-called "citizen suits." Outside groups, especially environmentalists, file citizen suits to force a federal agency to begin the rulemaking process.

During the settlement process, environmentalists and government lawyers get to set new timetables for new regulations. States, industry groups and other third parties are largely left out of the settlement process.

Republicans and conservative legal scholars labelled the practice "sue and settle" since the Obama administration often settled with outside groups, effectively giving activists control of the environmental regulatory agenda.

Pruitt also targeted the attorneys fees paid out to outside groups suing EPA to force a rulemaking. A 2016 Daily Caller News Foundation investigation found federal agencies pay out at least $50 million in attorneys fees for "sue and settle" cases since 2009.

A 2013 study by the U.S. Chamber of Commerce identified at least 71 lawsuits between 2009 and 2012 as "sue-and-settle" cases, and these resulted in more than 100 new regulations — many of which cost more than $100 million a year.

The Obama administration's Clean Power Plan, for example, is the result of a "sue and settle" lawsuit. EPA began the process of repealing that regulation last week.

"We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress," Pruitt said.

Pruitt's policy requires EPA to publish all citizen suits and settlements online for the public to see. EPA will also be limited in what kinds of settlements it can make with activists, and officials must reach out to states and other third parties.

Environmentalists weren't very happy with Pruitt's directive.

Federal environmental laws give individuals and groups the ability to sue agencies that don't issue a regulation by a statutory deadline. Groups that sue can also get their attorneys fees reimbursed.

EPA is just one of the many federal agencies activists sue every year to force new regulations. The U.S. Fish and Wildlife Service is the focus of many lawsuits, demanding the agency issue ruling on whether or not certain species are endangered.

Federal agencies paid out $30 million to attorneys for 237 citizen suits under the Endangered Species Act, a 2016 DCNF investigation found.

The Washington Times

http://www.washingtontimes.com/news/2017/oct/16/epa-end-obama-era-sue-and-settle-practice/

EPA to end Obama-era 'sue and settle' practice

By Ben Wolfgang, 10/16/17

The Trump administration on Monday took steps to end the highly controversial "sue and settle" practice that led directly to a host of environmental regulations throughout former President Obama's tenure.

In an agency-wide directive, Environmental Protection Agency Administrator Scott Pruitt said the process has "harmed the American public" and kept citizens in the dark about exactly how rules and regulations are made.

“The days of regulation through litigation are over,” Mr. Pruitt said in a statement. “We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney’s fees to these groups with which we swiftly settle.”

Sue and settle, which became commonplace during Mr. Obama’s tenure as his EPA developed tight-knit relationships with top environmental groups, essentially is a way to circumvent the formal rulemaking procedures. Under the practice, sometimes called “friendly lawsuits,” an outside group would sue a department or agency — in this case, the EPA — and ask that certain regulatory steps be taken, or that entirely new regulations be put in place.

Often, the agency would agree to settle the case outside of court, and the settlement agreement would provide a legal loophole for the EPA to simply enact the changes the outside organization sought without having to go through the traditional rule-making process, which requires public comment, draft proposals, and a host of other steps designed to keep the public informed.

Numerous Obama-era environmental policies were initially put in place as a result of sue and settle. They include: the Mercury Air Toxics Standards for Utilities rule; Regional Haze rules; Chesapeake Bay Clean Water Act rules; and many others related to air quality and energy exploration, according to a list released last month by the U.S. Chamber of Commerce.

Critics of sue and settle say that regardless of one’s opinion on climate change and environmental regulation, the practice itself is highly secretive and one of the worst examples of government colluding with outside groups.

“These egregious antics have effectively handed over the setting of agency priorities to environmental pressure groups, led to rushed rulemaking, and even altered the substance of regulations before they have been published,” said Daren Bakst, research fellow in agricultural policy at the conservative Heritage Foundation. “The EPA is making it clear that the public and the integrity of the rulemaking process are no longer going to be sacrificed for the political objectives of narrow interests.”

Fox News

http://www.foxnews.com/politics/2017/10/16/epas-pruitt-moves-to-end-obama-era-practice-sue-and-settle-with-environmentalists.html

EPA's Pruitt moves to end Obama-era practice of 'sue and settle' with environmentalists

By Staff, 10/16/17

EPA Administrator Scott Pruitt moved Monday to end a controversial practice known as "sue and settle," which critics said was used during the Obama administration to cut deals with environmental groups leading to new regulations.

"The days of regulation through litigation are over," Pruitt said in a statement, announcing a new EPA directive

Republicans, including Pruitt, had fought with the Obama administration in court over what they described as a back-room practice that led to more red tape. They claimed the EPA routinely entered into consent decrees with environmental groups that had sued the agency, in turn leading to new regulations for states – covering clean air rules and more – without allowing them to defend their interests.

"We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress," Pruitt said in a statement Monday.

Under the new policy, Pruitt said that whenever a settlement or consent decree is being considered, the EPA should reach out to any states or entities affected. He also wants to make sure related complaints or notices are published promptly, to forbid consent decrees "that exceed the authority of the courts," and to give time to modify proposed regulations and consider public comment.

Pruitt was one of the most outspoken critics of “sue and settle” during the Obama administration, when as Oklahoma attorney general he participated in multiple lawsuits against the agency he now leads.

Pruitt claimed at the time that dozens of lawsuits filed by environmental groups led to settlement arrangements that included terms beyond the guidelines approved by Congress.

The Obama EPA denied this at the time, maintaining that outside groups could not compel the agency to take any action they weren’t already compelled to take by law.

Environmental groups could respond with more court action. The Sierra Club on Monday retweeted an environmentalist who predicted: “Scott Pruitt will be spending a lot more of your taxpayer dollars defending his inaction in court.”

Reuters

http://news.trust.org/item/20171016165200-tm1oe/

U.S. EPA head seeks to avoid settlements with green groups

By Timothy Gardner, 10/16/17

The head of the U.S. Environmental Protection Agency issued a directive to his agency on Monday seeking to end the practice of settling lawsuits with environmental groups behind closed doors, saying the groups have had too much influence on regulation.

EPA Administrator Scott Pruitt, who sued the agency he now runs more than a dozen times in his former job as attorney general of oil producing Oklahoma, has long railed against the so-called practice of "sue and settle." The EPA under former President Barack Obama quietly settled lawsuits from environmental groups with little input from regulated entities, such as power

plants, and state governments, he argues.

The directive seeks to make EPA more transparent about lawsuits by reaching out to states and industry that could be affected by settlements, forbidding the practice of entering into settlements that exceed the authority of courts, and excluding attorney's fees and litigation costs when settling with groups.

Most lawsuits by green groups on the agency seek to push the agency to speed up regulation on issues such as climate and air and water pollution, studies have shown.

"The days of regulation through litigation are over," Pruitt said. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the agency."

Pruitt's order was supported by conservative groups.

Daren Bakst, a research fellow in agricultural policy at the Heritage Foundation think tank, said sue and settle has led to "egregious antics" that have "effectively handed over the setting of agency priorities to environmental pressure groups," and has led to rushed rulemaking by the agency.

But Pat Parenteau, an environmental law professor at the Vermont Law School, said Pruitt's directive would be "counterproductive" and costly because in the end courts could fine the agency if it does not meet compliance dates for issuing regulations.

"He can fight it if he wants as long as he wants, and spend as much money as he wants," Parenteau said. "But in the end if you've missed a statutory deadline, you are going to be ordered (by a court) to comply and then you are going to be ordered to pay fees."

The Washington Examiner

http://www.washingtonexaminer.com/trumps-epa-sets-precedent-by-becoming-first-agency-to-end-sue-and-settle-practice/article/2637650

Trump's EPA sets precedent by becoming first agency to end 'sue and settle' practice

By John Siciliano, 10/16/17

The Environmental Protection Agency on Monday became the first of President Trump's agencies to issue an order barring the agency from being drawn into court settlements that alter environmental outcomes to the liking of environmental and other special interest groups.

"The days of regulation through litigation are over," EPA chief Scott Pruitt declared in a statement. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress."

Pruitt's order would also end the practice of paying out "tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle," Pruitt added.

The litigation tool, commonly referred to as "sue and settle," was used with great success by environmental groups under the Obama administration to force a regulatory process behind closed doors, according to Pruitt. The Sierra Club, for example, used the legal tactic often as part of its "Beyond Coal" campaign program to force coal-fired power plants into early retirement.

It is a tactic that has served the environmental community well over the last decade. But EPA Administrator Scott Pruitt sought to change all of that on Monday through a new agency-wide policy to bar it from entering settlements where all affected stakeholders would be not be included in the final court-enforced settlement and consent decree.

Industry groups like the Chamber of Commerce have lobbied consistently against the practice of sue and settle, and Republicans on Capitol Hill have introduced legislation to confront the issue in recent years without much success.

It is "something a long time coming … and a very important day," Pruitt told reporters early Monday morning ahead of signing a memorandum directing the agency not to enter into sue and settle agreements.

"We are no longer going to be engaged in that practice anymore," he said. "What this sue and settle process has done is bypass the regulatory process altogether."

He called the practice "wrong," and said the agency is "the first agency to issue this directive in a memorandum" to challenge and stop abuse of the sue and settle process.

"It is a practice not unique to the EPA," but the number of cases brought to the agency to enter court-enforced settlements has placed it "in first place," Pruitt added.

"We are the first agency to take this action," he said, although Attorney General Jeff Sessions is "keenly interested" in engaging the issue of sue and settle across the government.

Pruitt said that "other agencies are taking notice as well."

Western Journalism

https://www.westernjournalism.com/trumps-epa-closes-regulation-thru-litigation-loophole/

Trump's EPA Closes 'Regulation Thru Litigation' Loophole

By V. Saxena, 10/16/17

EPA Administrator Scott Pruitt has announced that the agency will immediately attempt to avoid

entering into legal settlements with environmentalist groups seeking to use the power of the courts to force the agency into implementing unwanted rules and regulations.

"As of today, with this directive and the memorandum, we're no longer going to be involved in that practice," Pruitt told reporters at a briefing Monday, referencing an agency-wide memo issued earlier.

This practice, described by Pruitt as "regulation through litigation," involved environmental groups trying to "bypass" the traditional regulatory process by suing the EPA, forcing the agency into settlements, Bloomberg reported.

Also known as "sue and settle," the strategy became popular among environmentalists during the tenure of former President Barack Obama. During Obama's first term in office, the EPA entered into over 60 such settlements and was forced to publish over 100 new regulations.

"Both data and anecdotal evidence show that, under the Obama Administration, consent-decree settlements have become more frequent," The Heritage Foundation noted in 2014.

Robert L. Bradley, the founder and CEO of the Institute for Energy Research, even suggested in a column for The Hill two years ago that "legal collusion … has occurred between federal agencies, including the Environmental Protection Agency (EPA), and well-heeled environmental groups."

"It typically begins with agencies being sued by environmentalists for failing to meet regulatory deadlines and then agreeing to settle the disputes out-of-court," he wrote. "These settlements, which achieve the environmentalists' goals and timeline, are written behind closed doors with little or no input from affected parties."

It's also believed the widely panned Clean Power Plan, which current President Donald Trump has only recently effectively gutted, was pieced together via this same practice.

Pruitt made it clear on Monday this sort of collusion won't be tolerated anymore.

"The days of this regulation through litigation are terminated," he announced. "'Sue and settle,' as this tactic has been called, undermines the fundamental principles of government that I outlined on my first day."

The Washington Examiner reported that during an informal briefing on Monday, Pruitt noted that the EPA was "the first agency to issue this directive in a memorandum to challenge and stop abuse of the sue and settle process."

"We are the first agency to take this action," Pruitt said.

He noted as well that this problem is "not unique to the EPA" and that Attorney General Jeff Sessions is "keenly interested" in implementing similar policies across the entire government.

But Pruitt also pointed out that settlements wouldn't themselves be banned.

"There is a time to settle cases," he said. "This is not a statement against consent decrees generally or settlements generally. It's the abuses around those practices that we are aiming at here."

Time

http://time.com/4983904/epa-regulations-rules-lawsuits-scott-pruitt/

The EPA Is Ending an Obama-Era Practice That Conservatives Say Sped Up New Rules

By Justin Worland, 10/16/17

The Environmental Protection Agency will stop issuing new environmental regulations in response to lawsuits from outside groups, ending a practice that conservatives say had been used by environmental groups during the Obama Administration to speed up the process, the agency's head said Monday.

In a briefing for reporters, EPA Administrator Scott Pruitt said that the reversal was a matter of following proper procedure.

"We are no longer going to be engaged in that practice," EPA Administrator Scott Pruitt said in a briefing for reporters. “It’s a very important day to make sure that as we engage in our rulemaking process we respect the process that Congress has established."

The EPA will also post legal petitions publicly for comment before any potential settlement with a third party and end the practice of paying attorneys fees for outside groups that sue the agency, Pruitt said.

The directive ending the practice — known among conservatives as "sue and settle" — formalizes a stance Pruitt has taken since the early days of his tenure. Pruitt criticized the practice in a speech addressing agency employees shortly after taking office. And he has since issued a verbal directive along those lines earlier this year, according to an E&E News report.

Conservative groups have long criticized "sue and settle" as running afoul of the rule of law, in particular the Administrative Procedure Act, which governs how agencies issue regulations.The move is the latest in a slew of efforts from Pruitt in his nine months on the job to shift the direction of the agency. Last week, Pruitt formally initiated a process to revoke the Clean Power Plan, Obama's central measure aimed at fighting climate change. Asked Monday whether the agency would issue a replacement, Pruitt said "that is in process" and suggested that the agency would provide more clarity soon when it formally begins the process of soliciting public comment on the issue.

The Washington Examiner

http://www.washingtonexaminer.com/federal-judge-in-bob-menendez-bribery-case-strikes-down-request-for-acquittal/article/2637645

Federal judge in Bob Menendez bribery case strikes down request for acquittal.

By Katie Leach, 10/16/17

A federal judge overseeing the bribery case against Sen. Bob Menendez, D-N.J., says he won't dismiss any of the charges against the senator, leaving it up to the jury to decide his fate.

On Monday, Judge William Walls ruled against the defense's argument to drop the charges against the New Jersey lawmaker, claiming that they did not meet the definition of bribery under the 2016 Supreme Court decision against former Virginia Gov. Bob McDonnell.

The Democratic senator is facing 18 criminal counts alongside his friend and wealthy Floridian, Dr. Salomon Melgen.

"We are living in a real world of reality and common sense," Walls explained in a lengthy opinion he read on Monday. "The jury will decide whose version of what happened or didn't happen is more likely than not."

The Hill

http://thehill.com/blogs/floor-action/house/355687-ryan-projects-house-will-pass-tax-bill-by-early-november

Ryan projects House will pass tax bill by early November

By Cristina Marcos, 10/16/17

Speaker Paul Ryan (R-Wis.) offered an ambitious timeline on Monday for when Congress will enact tax reform this year, starting with House passage of a bill in the next month.

Ryan predicted in an interview with Milwaukee radio station WTMJ that tax overhaul legislation would pass in the House by "early November" and make it through the Senate to President Trump's desk by the end of December.

Formal legislation to reform the tax code has not yet been released.

The House adopted a budget resolution earlier this month to unlock budgetary rules known as reconciliation so that Republicans can pass tax reform and circumvent a Democratic filibuster in the Senate.

Ryan expressed optimism that Republicans would have more success with tax reform than with their failed efforts to repeal and replace the 2010 health care law.

Ryan outlined three reasons why the GOP has a better shot at passing tax reform than they did with ObamaCare repeal.

He maintained that Republicans tend to agree more generally on tax principles; the White House and top House and Senate leaders released a tax reform blueprint; and the reconciliation process will allow Republicans to accomplish all of their goals on a tax overhaul in one bill, in contrast to the health care effort.

Multiple GOP health care proposals such as selling insurance plans across state lines and medical liability reform could not be included in the reconciliation measure due to Senate budget rules. That frustrated GOP lawmakers who could only consider those proposals in legislation that would be subject to Senate filibusters.

“So the procedure and the process is much more direct and streamlined. Republicans are more in agreement on how to do it. And we pre-agreed with the House, the Senate and the White House at the front end of this on how to do it. And that’s where we stand and that’s why we’re on track,” Ryan said.

The Speaker acknowledged that Republicans, by contrast, don’t hold widespread views on health care policy, despite unified opposition to ObamaCare for seven years.

“Frankly, Republicans with each other didn’t necessarily agree on how to do health care,” Ryan said.

The Senate is expected to consider its version of the budget this week. The two chambers’ budgets will have to be reconciled before the GOP can use reconciliation on tax reform.

Once Republicans in both chambers of Congress agree on a budget, the tax-writing House Ways and Means Committee is expected to release legislative text that adheres to its revenue outlines.

Tax legislation would then go through the Ways and Means Committee before reaching the House floor for a vote.

Ryan’s projection of House passage by early November puts lawmakers on a tight schedule.

The House is not in session this week and GOP leaders allowed members to depart Washington a day early last week following passage of a $36.5 billion aid package for Puerto Rico and other areas afflicted by recent natural disasters. Lawmakers won't be back at the Capitol until next Monday.

Ryan previously offered ambitious timelines for when Republicans would pass legislation to repeal and replace the health care law that never came to fruition.

At the start of this year, Ryan expressed a goal of wanting to pass a health care bill by Trump's 100th day in office at the end of April.

When that didn't happen, Republicans later aimed for clearing legislation by the August recess. The House did pass a repeal-and-replace bill in May, but the Senate was unable to approve its own version.

In the end, the reconciliation vehicle Republicans intended to use for a health care overhaul expired at the end of the 2017 fiscal year in September.

Fox News

http://www.foxnews.com/politics/2017/10/16/trump-mcconnell-pledge-unity-on-tax-reform-health-care-after-feud.html

Trump, McConnell pledge unity on tax reform, health care after feud

By Staff, 10/16/17

President Trump exited a White House meeting Monday with Sen. Mitch McConnell saying his relationship with the Senate majority leader is "better than ever" and they are working together on major legislative priorities including tax and health care reform.

"We've been friends for a long time," Trump said at a Rose Garden press conference following his meeting with McConnell, with whom he had a public falling out this summer. "We're fighting for big tax cuts. ... My relationship with this gentleman has been outstanding."

Trump also said they are working on a measure to repeal and replace ObamaCare by early next year.

“We have the same agenda. … We talk all of the time,” said McConnell, who said their meeting also included discussions about judicial appointments and additional hurricane relief funding. "We are together totally on this agenda to move America forward."

McConnell’s office earlier this week portrayed the White House meeting as a pro forma discussion about Republicans’ legislative agenda through the fall, which would include big-ticket items like tax reform, immigration and perhaps revisiting health care reform.

However, the meeting was also the first real face-to-face the leaders have had since their public rift over the summer, after the Republican-controlled Senate failed give Trump his first major legislative victory by repealing and replacing ObamaCare.

Trump in August said he was “very disappointed in Mitch,” after McConnell, R-Ky., said the president had “excessive expectations” about the legislative process.

A McConnell spokesman told Fox News on Sunday that the senator’s meeting with Trump also would include discussions on completing a budget resolution, confirming qualified judicial and other nominees and considering hurricane relief funding.

Trump and McConnell spent a considerable amount of time during their roughly 30-minute press conference talking about such judicial nominations.

McConnell called Trump getting Justice Neil Gorsuch on the high court "the single most important thing the president has done."

Trump argued Senate Democratic leader Chuck Schumer "and his group" are holding up "every single nomination," which he called "beyond comprehension."

Trump also hinted at presenting an economic development plan in the near future, in a wide-ranging press conference in which he also said NFL players should be suspended for sitting during the national anthem. And he taunted 2016 presidential rival Hillary Clinton on the possibility of a rematch, saying "please run again."

The meeting came as conservative groups and former Trump chief political strategist Steve Bannon are pressuring McConnell and other congressional Republicans to relinquish their leadership posts.

"This is our war," Bannon said Saturday at a gathering of religious conservatives," "The establishment started it. ... You all are going to finish it."

Ken Cuccinelli, a former Virginia attorney general who now leads the Senate Conservatives Fund, said Wednesday on Capitol Hill, said: "We call on all five members of the GOP Senate leadership to step down, or for their caucus to remove them as soon as possible."

Meanwhile, Senate Republicans appear to be rallying around McConnell.

"Mitch McConnell's not our problem," Sen. Lindsey Graham, R-S.C., said Sunday. "Our problem is that we promised to repeal and replace ObamaCare, and we failed. We promised to cut taxes and we have yet to do it."

GOP Sen. Susan Collins, a moderate from Maine who was a critical "no" vote on health care, said Americans are tired of Bannon-like rhetoric.

"They don't want this hyper-partisanship," she said. Mitch McConnell is the Senate majority leader. "The president needs him. I'm glad they're working together on tax reform and a lot of other issues. And I'm glad they're meeting this week."

In August, Trump tweeted: “Can you believe that Mitch McConnell, who has screamed Repeal & Replace for 7 years, couldn’t get it done. Must Repeal & Replace ObamaCare!”

McConnell responded to Trump’s Twitter barrage by saying the challenges of governing shouldn’t be a surprise.

"A lot of people look at all that and find it frustrating, messy. Well, welcome to the democratic process,” McConnell said at a GOP event in Kentucky this summer. “That's the way it is in our country."

Twitter

Donald J. Trump @realDonaldTrump · 7h

Art Laffer just said that he doesn't know how a Democrat could vote against the big tax cut/reform bill and live with themselves! @FoxNews

9.2K 8.8K 37K

Donald J. Trump @realDonaldTrump · 7h

Replying to @realDonaldTrump

The Democrats only want to increase taxes and obstruct. That's all they are good at!

12K 8.5K 36K

Donald J. Trump @realDonaldTrump · 7h

Dem Senator Schumer hated the Iran deal made by President Obama, but now that I am involved, he is OK with it. Tell that to Israel, Chuck!

7.2K 13K 46K

Donald J. Trump @realDonaldTrump · 7h

Since Election Day on November 8, the Stock Market is up more than 25%, unemployment is at a 17 year low & companies are coming back to U.S.

9.6K 12K 54K

Donald J. Trump @realDonaldTrump · 7h

The U.S. has gained more than 5.2 trillion dollars in Stock Market Value since Election Day! Also, record business enthusiasm.

12K 12K 56K

Donald J. Trump @realDonaldTrump · 6h

I was recently asked if Crooked Hillary Clinton is going to run in 2020? My answer was, "I hope so!"

33K 22K 90K

To: Pruitt, Scott[Pruitt.Scott@epa.gov]; Meiburg, Stan[Meiburg.Stan@epa.gov]; mccarthy.gina@epa.gov[mccarthy.gina@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; Dunkin, Ann[Dunkin.Ann@epa.gov]; info@epa.gov[info@epa.gov]; casper@groene.nl[casper@groene.nl]; groene@groene.nl[groene@groene.nl]; jaap@groene.nl[jaap@groene.nl]
From: Karel M.F.D. Buuron - Bergen op Zoom NL
Sent: Sun 11/19/2017 9:57:14 PM
Subject: De Volkskrant 28 oktobober 2017 Michael Persson: "Trump heeft wel succes" met Klimaatsepticus Scott Pruitt / De Volkskrant dr. Thomas von der Dunk: " 8 oktober 2017 : Mentale kloof tussen Angelsaksische en Europese wereld wordt steeds groter"

Onderwerp: De Volkskrant 28 oktobober 2017 Michael Persson: "Trump heeft wel succes" met Klimaatsepticus Scott Pruitt / De Volkskrant dr. Thomas von der Dunk: " 8 oktober 2017 : Mentale kloof tussen Angelsaksische en Europese wereld wordt steeds groter"

AAN: Z.E. de Ambassadeur van de Verenigde Staten van Amerika (USA) in Nederland te Den Haag

Excellentie,

Beste Mensen, uit onderstaande VK artikel blijkt dat Trump wel degelijk "succes" heeft, al pakt het heel slecht uit voor de VS en de wereld, de- regulering water en luchtkwaliteit regels en vrij baan voor de fossiele brandstoffen als olie en steenkool enz. , ook slecht dus voor Klimaat en Milieu maar ook de Volksgezondheid in de VS zelf , ook dus de sociale cohesie die erg onderdruk zal komen te staan, vooral wat de gezondheidszorg betreft, veel onverzekerden, dus een steeds grotere kloof rijk en arm enz en niet te vergeten deregulering van de bankensector, wat in de toekomst ook heel slecht kan uitpakken.

Wat bijna nooit in de discussie wordt genoemd, dat in de VS maar maximaal 50% opkomt van de kiezers, dat (ex) gevangenen niet mogen stemmen, dat men zich moeten laten registreren, dat vooral armere kiezers en kiezers uit minderheidsgroepen weg blijven van de stembus, vaak wordt het in Republiekense staten belemmerd, doordat men bv een rijbewijs eist als legitimatie, ook worden de kiesdistricten gewijzigd in het voordeel van de Republikeinen.
Ook zijn de verschillen niet zo heel groot tussen de (conservatieve) Republikeinen en (centristische) Democraten, dus is er geen echt alternatief, doordat in dit Districtenstel kleine partijen of kandidaten geen enkele kans maken en men moet zo wie zo multi-miljonair zijn en of grote financiele fondsen bezitten (feitelijk gezien is de VS een oligarchie , binnen een democratisch bestel), een grote uitzondering de sociaal-democraat Bernie Sanders, maar die werd door de top van de neo-liberale Democratische Partij "kapot" gemaakt, voor de rest maakt geen enkele progressieve, linkse of groene kandidaat enige kans en de Republikeinen houden iedere sociale vooruitgang tegen in de VS.
Prof dr. Thomas von der Dunk noemde de Republikeinen zelfs de facto een criminele

organisatie, in zijn De Volkskrant Column van 8 oktober 2017

Dat wilde ik graag nog even toevoegen,

vriendelijke groeten,

karel buuron lid DiEM 25 (Democracy in Europe Movement 2025)

Demonstranten protesteren tegen de aanstelling van Scott Pruitt als directeur van EPA in Washington. © REUTERS

Waarom Trump trots is op het beleid van EPA, en op de honderden regeltjes die er geschrapt zijn

Klimaatscepticus Scott Pruitt maakt vele vijanden

ARTIKELHet lijkt of de Amerikaanse president Trump niets heeft bereikt sinds zijn verkiezing een jaar geleden. Maar kijk hoe hij zijn stempel heeft gedrukt op het milieuagentschap EPA, waar hij klimaatscepticus Scott Pruitt heeft benoemd. Burgers,

klimaat en natuur hebben het nakijken.

Door: Michael Persson 28 oktober 2017, 02:00

-
-
-
- https://s.vk.nl/s-a4524608/
-

Toen Betsy Southerland op 21 juli naar een bespreking met haar hoogste baas ging, dacht ze dat er iets te bespreken viel. Met een velletje papier in haar hand liep ze door de gangen van het monumentale gebouw van het Environmental Protection Agency (EPA), de federale Amerikaanse milieudienst in het hart van Washington. Ze wist wat er op het spel stond, en ze was voorbereid. Ze had de kennis, ze had de feiten, ze had de ervaring.

Bij de vertrekken van haar baas werd ze tegengehouden door een gewapende veiligheidsman. Southerland, de directeur Wetenschap en Technologie van het bureau Water, al dertig jaar werkzaam bij het instituut, kon hier voorheen altijd doorlopen als ze haar pas liet zien. Nu keek de bewaker of ze op een lijst stond. Pas na de controle mocht ze verder.

Haar baas was EPA-directeur Scott Pruitt - een man met lijfwachten. Een man die wist dat hij vijanden zou maken.

> Er werd geen woord gewisselt, geen hoe-gaat-het, niets van de oppervlakkige wellevendheid die het Amerikaanse sociale verkeer zo aangenaam maakt

Drinkwatervoorziening beschermen

Protest tegen Pruitt in San Diego. © AFP

Wat er die middag op het spel stond: een onder Obama vastgestelde regel die kolencentrales zou verplichten hun van as vergeven afvalwater te zuiveren. Veel te lastig, lieten de energiemaatschappijen al snel na het aantreden van president Donald Trump aan de EPA weten. 'De regel gaat veel geld en banen kosten', stond in een brief die de branchevereniging UWAG in maart aan Pruitt stuurde. 'Als gevolg van de strenge eisen zullen er centrales gesloten moeten worden en dat gaat gevoeld worden in gemeenschappen in het hele land.' Weg ermee, was de duidelijke boodschap.

Dat de regel bedoeld was om de drinkwatervoorziening van miljoenen Amerikanen te beschermen tegen schadelijke stoffen, stond niet in de brief.

Southerland ging een vergaderkamer in en nam plaats aan de lange houten tafel. Naast haar gingen een paar collega's zitten: juristen, een ingenieur en de chef van het bureau Water. Tegenover haar nam Pruitt plaats, omringd door vier Trump-gezanten. Er werd geen woord gewisselt, geen hoe-gaat-het, niets van de oppervlakkige wellevendheid die het Amerikaanse sociale verkeer zo aangenaam maakt. Het enige geluid kwam van de stoelen die over het parket schoven.

> Trump heeft wel degelijk iets om trots op te zijn: het schrappen , tegenhouden of vertragen van honderden regels en regeltjes die in zijn ogen de economische vooruitgang dwarsbomen

De chef van het bureau Water deelde aan de aanwezigen papieren uit met opties om de energiebedrijven enigszins tegemoet te komen. Nadat hij uitgesproken was, vroeg Pruitt of iemand daar nog wat aan toe te voegen had.

Ja, zei Southerland, en vertelde dat de gewraakte regel volgens drinkwaterbedrijven juist niet ver genoeg ging. Deze regel was een noodzakelijke eerste stap om het Amerikaanse volk te beschermen. Die moest je niet te ver terugdraaien.

Pruitt had geen vragen. Hij bedankte zijn ondergeschikten en verliet de ruimte. Southerland had geen idee of ze hem had overtuigd. Ze hoorde pas hoe hij erover dacht in augustus, toen een door een uitbater van kolencentrales aangespannen rechtszaak over de regel werd verdaagd. De regel bleek geschrapt, alle eisen waren opgeschort en alle deadlines voor de industrie waren uitgesteld. De kolenstokers hadden gewonnen.

Tekst gaat verder onder de afbeelding.

Protest tegen Pruitt bij een geplande speech voor de Harvard Club in New York, die Pruitt uiteindelijk heeft afgezegd. © EPA

Regeltjes schrappen

Vaak wordt er gedaan alsof president Trump weinig heeft bereikt sinds zijn verkiezing een jaar geleden. Qua grote wetgeving is er inderdaad niet veel gebeurd in Washington. De verwerping van Obamacare stuitte op Republikeinse dissidenten, het belastingplan heeft nog een lange weg te gaan, van de beloofde verbetering van de infrastructuur is nog niets vernomen, en er is geen wet aangenomen die de bouw van een muur langs de grens met Mexico moet financieren. Ook de meest in het oog springende presidentiële decreten, zoals die om immigranten uit moslimlanden te weren, eindigden in de prullenbak - keer op keer verscheurd door rechters die de bevelen ongrondwettig achtten.

Maar intussen gebeurt er toch van alles. Trump heeft wel degelijk iets om trots op te zijn: het schrappen, tegenhouden of vertragen van honderden regels en regeltjes die in zijn ogen de economische vooruitgang dwarsbomen. Het zijn regels die bescherming bieden aan de zwakkeren van Amerika, maar of het nou burgers zijn, het klimaat of de natuur: ze moeten zichzelf maar zien te redden.

Het vergeten bedrijfsleven

Op dat vlak heeft de populist Trump zich ontpopt tot een gewone Republikein. Trump, die tijdens de campagne zei op te komen voor de 'vergeten man', blijkt als president vooral op te komen voor het vergeten bedrijfsleven. Of het nou banken zijn of kolencentrales, olieboorders of megaboeren: deze door hem tijdens de campagne zwartgemaakte 'special interests' kunnen nu op zijn bijzondere belangstelling rekenen.

Bijna alle Republikeinen steunen hem daarin. Woensdag bijvoorbeeld stemden in de Senaat vijftig Republikeinen - inclusief de senatoren Jeff Flake en Bob Corker, die eerder die dag nog scherpe kritiek op de president hadden geuit - voor de verwerping van een regel die consumenten moest beschermen tegen de oplichterspraktijken van sommige financiële instellingen. Deze regel, die consumenten het recht zou geven banken voor de rechter te dagen, was een van de belangrijkste maatregelen in de

nasleep van de financiële crisis, en de trots van het Consumer Financial Protection Bureau dat onder Obama is opgericht. Maar voor de Amerikaanse Kamer van Koophandel, een bolwerk van het kale kapitalisme, was dit een 'typisch voorbeeld van een overheidsdienst gone rogue'. Liever een losgeslagen Wall Street dan een losgeslagen overheid.

Tekst gaat verder onder de afbeelding.

Protesten tegen Pruitt in San Diego. © REUTERS

> Pruitt luistert niet naar zijn eigen mensen. Hij veracht de wetenschappers in zijn eigen organisatie. Hij veracht de feiten
>
> Biochemicus en vakbondsman John O'Grady, EPA-medewerker in Chicago

Als er één overheidsdienst is die volgens de Republikeinen veel te ver gaat met zijn regeltjes, is het de EPA. En als er één overheidsdienst is waar Trump tot dusver zijn stempel op heeft gedrukt, is het de EPA. Het klimaat springt het meest in het oog, als slachtoffer van zijn dereguleringsdrang. Trump stapte uit het Parijs-akkoord en herriep, omringd door mijnwerkers, Obama's Clean Power Plan, het decreet om de broeikasgasuitstoot te verminderen door kolencentrales te sluiten. 'De oorlog tegen steenkool is over', zei zijn milieubaas Pruitt eerder deze maand in Kentucky. 'De EPA en geen enkele andere overheidsdienst mag ooit zijn autoriteit gebruiken om te zeggen: we verklaren de oorlog aan een bepaalde sector van de economie.'

Wat minder opvalt, is dat naast de bevrijde steenkoolbranche nog veel meer bedrijven worden verlost van regels en regulering ('regulatory relief', noemt Pruitt dat - de opluchting is in de term hoorbaar). Die gaan niet alleen over het klimaat, maar over luchtkwaliteit, over water, over lozingen, over risico's, over giftige stoffen en uiteindelijk over de plek waar die risico's en stoffen terechtkomen: bij de gewone Amerikaan.

Tekst gaat verder onder de afbeelding.

Demonstrant in San Diego. © AFP

> Zolang er geen regel geldt, kan die ook niet worden aangevochten

De regel waar Southerland zich hard voor maakte, heette de Effluent Limitations Guidelines Rule, die grenzen stelde aan giftige stoffen in het afvalwater van kolencentrales. Jarenlang stopten de energiemaatschappijen hun afvalwater (met daarin steenkoolas) in grote opslagbassins rond hun centrales. Regelmatig lekten die, waarna het spul over het land stroomde. In North Carolina leidde zo'n lekkage in 2014 tot meer dan 100 kilometer zwartgelakte oevers van de Dan River. De regel van Obama moest daar een eind aan maken. Maar dat plan werd dus op aandringen van de industrie door Pruitt op een zijspoor gezet.

Hij doet dat slim. 'Overheidsdiensten hebben de autoriteit om beslissingen uit het

verleden te heroverwegen en te herzien, te verwerpen of te vervangen', schrijft een woordvoerder van de EPA desgevraagd in een mailtje. 'We verwachten dat het drie jaar duurt voordat een nieuwe regel is opgesteld. De EPA vindt het gepast om de eisen aan het afvalwater uit te stellen tot er een nieuwe regel is.'

Zo werkt het, zegt Southerland. Tot de nieuwe regel er is, kan de industrie op de oude voet verdergaan. Het opschorten van bestaande regels is een belangrijke strategie om rechtszaken te ontlopen. De EPA is wettelijk verplicht voor de lucht- en waterkwaliteit te zorgen. Maar zolang er geen regel geldt, kan die ook niet worden aangevochten.

Gedroomde kandidaat

Scott Pruitt. © Bloomberg via Getty Images

Scott Pruitt was tot vorig jaar de openbaar aanklager van Oklahoma, een staat die drijft op olie. Hij voerde in 2010 campagne met een ongebruikelijke belofte. Normaal gesproken willen openbare aanklagers de criminaliteit aanpakken, Pruitt wilde Washington aanpakken: dáár zaten de boeven. Hij beschuldigde met name de EPA van 'overreach', een favoriete conservatieve beschuldiging, waarin zowel bemoeizucht als overmoed doorklinkt. Pruitt vestigde definitief zijn naam door ten strijde te trekken tegen het Clean Power Plan van Obama.

Pruitt was in de ogen van de industrie dus de gedroomde kandidaat om de EPA te leiden. Bob Murray, eigenaar van een aantal steenkoolmijnen, was een van de mannen die Trump op het idee bracht. En die daarna zijn verlanglijst indiende bij Pruitt. 'Drieënhalf velletje met te schrappen reguleringen', zegt Murray in de onlangs verschenen PBS-documentaire War on the EPA. 'Het eerste velletje is al gedaan. Helemaal weggevaagd.'

Het is een 'omgekeerde wereld', zegt Southerland. 'Alles is op zijn kop gezet.' Biochemicus en vakbondsman John O'Grady, EPA-medewerker in Chicago, zegt dat Pruitt alleen met de industrie praat en niet met de burgers die hij moet beschermen of milieuorganisaties. 'Hij luistert niet naar zijn eigen mensen. Hij veracht de wetenschappers in zijn eigen organisatie. Hij veracht de feiten.'

Zuivering van de communicatie

Een van de maatregelen die Pruitt heeft genomen is de zuivering van de communicatie. Hij maakt volgens O'Grady zo min mogelijk aantekeningen, zodat die ook niet kunnen worden opgevraagd. Aan klimaatverandering wordt niet meer gerefereerd: het strategische plan voor de komende vier jaar maakt er op geen van de 38 pagina's melding van. Een EPA-website die lokale bestuurders in het land moest helpen zich voor te bereiden op een toekomst met hogere temperaturen en zwaardere stormen, is grotendeels verdwenen. Het gaat nu alleen nog over energiebronnen; het aantal pagina's is teruggebracht van 380 naar 175, aldus een analyse van het Environmetal Defense and Governance Institute vorige week. Het Canadese bedrijf PageFreezer van de Nederlander Michiel Riedijk bewaart de verdwenen pagina's. 'Alle veranderingen

worden vastgelegd.'

Nog meer zuivering: drie EPA-wetenschappers die maandag op een wetenschappelijke conferentie zouden komen praten over de veranderende ecologie van Narragansett Bay onder Boston, kregen door de leiding een spreekverbod opgelegd. Pruitt wil ook de wetenschappelijke adviesraad van de EPA opschudden en daarin voortaan alleen nog maar vertegenwoordigers uit de industrie aanstellen. Die zouden objectiever zijn dan experts die weleens een EPA-onderzoeksbeurs hebben gekregen.

Het is onderdeel van wat Pruitt een 'gebalanceerde benadering' noemt. Vakbondsman O'Grady begint te briesen als hij dat woord hoort. 'Waar hebben ze het in godsnaam over? Wij luisteren al decennia naar de industrie! We zijn voortdurend in overleg: wat is haalbaar, wat zijn de technische mogelijkheden om processen schoner te maken, wat kost dat? Het is gewoon een manier om ons in een kwaad daglicht te stellen.'

Tekst gaat verder onder de afbeelding.

Demonstrant in San Diego. © GETTY

Een moeras vol lobbyisten

Pruitt is niet de enige die liever naar het bedrijfsleven luistert. Ook andere hoge functies binnen de EPA worden gevuld met oud-lobbyisten uit de industrie. Nancy Beck, die chemicaliën beoordeelt, is afkomstig van de American Chemistry Council, de branchevereniging van de chemie. Andrew Wheeler, de beoogde tweede man van de EPA, was tot half augustus een lobbyist voor mijnbouwer Murray. Susan Bodine, die de handhavingsafdeling van de EPA moet gaan leiden, heeft jarenlang gelobbyd voor de vervuilende bedrijven die ze nu achter de broek moet zitten. Michael Dourson moet de giftige stoffen reguleren waarvan hij de risico's jarenlang (tegen betaling) heeft gerelativeerd. William Wehrum, die het American Petroleum Institute heeft geholpen bij het bestrijden van luchtkwaliteitseisen, wordt nu verantwoordelijk voor het opstellen daarvan. Dourson en Wehrum werden woensdag door een Senaatscommissie goedgekeurd: alle Democraten waren tegen, alle Republikeinen voor.

Het is typisch Trump, die tijdens de campagne altijd beloofde 'het moeras' van Washington te laten leeglopen. Nu vult hij het moeras met lobbyisten. 'Je hebt altijd politieke benoemingen, maar het is nog nooit zo erg geweest als nu', zegt O'Grady. Onder Reagan werd de EPA geleid door Anne Gorsuch, de moeder van opperrechter Neil Gorsuch. Ook zij liet de industrie binnenkomen, maar ze moest na twee jaar onder druk van het Congres aftreden. 'Toen waren het Huis van Afgevaardigden en de Senaat nog redelijk. Nu zijn die volkomen partijdig en gepolariseerd. In dat klimaat worden de raarste politieke benoemingen goedgekeurd.'

Tekst gaat verder onder de afbeelding.

Medewerkers van Greenpeace maken zich bij het hoofdkantoor van EPA in Washington op voor een protest tegen boringen van Shell in het noordpoolgebied. © GETTY

Anoniem

Het hoofdkantoor van de EPA in Washington is gehuisvest in de Federale Driehoek, een wigvormig gebied met belangrijke overheidsgebouwen tussen het Witte Huis en het Capitool - met daartussenin het Trump International Hotel. Het is een gebouw met dikke zuilen en stichtelijke jarendertigtaferelen in het kalksteen, van een jongen met een boek in zijn hand (kennis!) en een bal met vleugels (vooruitgang!).

De dertiger die maandag rond het lunchuur uit een zijdeur naar buiten slentert ziet er minder optimistisch uit. Hij werkt op de chemische afdeling van Nancy Beck. Veel wil hij niet zeggen, en alleen anoniem - praten is gevaarlijk. 'We proberen ons werk zo goed mogelijk te doen. We praten zo min mogelijk over de politieke situatie. Maar als we erover praten... dan is het behoorlijk deprimerend.'

Volgens vakbondsman O'Grady is er een stiltecode afgekondigd. 'Iedereen is bang. Mensen proberen zo goed en zo kwaad als het gaat door te werken. Ze beschermen eerst zichzelf en kijken dan pas of ze iets voor anderen kunnen doen.'

© Twitter

> Ik denk echt dat dit land een probleem krijgt met de veiligheid en volksgezondheid
>
> Betsy Southerland, directeur van de afdeling voor Wetenschap en Technologie van de EPA.

'Het personeel is totaal gedemoraliseerd', zegt Judith Enck, tot voor kort baas van Regio 2, een gebied dat New York, New Jersey en Puerto Rico omvat. 'Moet je je voorstellen dat je elke dag naar je werk loopt in de wetenschap dat Scott Pruitt naar hetzelfde gebouw loopt.'

Trump en Pruitt willen 30 procent in de kosten snijden. Dat zou duizenden werknemers hun baan kosten. Tot dusver zijn er nog geen gedwongen ontslagen gevallen; de eersten zijn vrijwillig vertrokken, meestal een jaar eerder met pensioen. Die bezuinigingen sluiten aan bij de rol die Pruitt voor zijn organisatie ziet: zo klein mogelijk.

Volgens de EPA-ambtenaren zit daarin misschien het grootste gevaar. Zonder geld en mensen kunnen geen metingen meer worden gedaan, en zonder metingen geen data, zonder data geen handhaving. En met minder geld kan er minder onderzoek worden gedaan en zonder onderzoek weet je ook niet wat de toxicologische effecten zijn van nieuwe stoffen, wat de risico's zijn, en wat wel en niet gevaarlijk is. 'En dan is er ook nog kans dat we ondeugdelijk onderzoek doen', zegt O'Grady. 'Als bedrijven dat straks aanvechten, dan winnen ze makkelijker.'

Naar de rechter

Ach, eigenlijk hoopt O'Grady een beetje op rechtszaken tegen zijn instelling, de EPA. Hij

hoopt dat een rechter wél de kennis binnen het instituut op waarde schat, zodat er andere conclusies uit worden getrokken dan Pruitt en de zijnen doen.

Southerland zegt dat haar mensen nog steeds hun best doen sinds die bespreking in juli. 'Ze willen de beste casus presenteren om de nieuwe regel te onderbouwen. Ook al is dat pas over jaren. Dat vergt feiten, solide wetenschap, kosten-baten-analyses. Als Pruitt zich niet laat overtuigen, dan de rechter misschien.'

Zelf zal ze dat niet meemaken: ze is vervroegd met pensioen gegaan. Familieomstandigheden speelden mee, maar ook de situatie bij EPA. 'Ik denk echt dat dit land een probleem krijgt met de veiligheid en volksgezondheid. Maar ik wist werkelijk niet meer wat ik moest zeggen om Scott Pruitt te overtuigen.'

De EU moet meer bescherming bieden, volgens de Franse president Macron. © AFP

Opinie op zondag - Mentale kloof tussen Angelsaksische en Europese wereld wordt steeds groter

Prikkelende opinie op een dag dat u er tijd voor heeft: de Volkskrant presenteert elke zondag twee bijdragen van een vaste club van zeven auteurs. Later vandaag filosoof Sebastien Valkenberg, nu cultuurhistoricus Thomas von der Dunk.

Thomas von der Dunk 8 oktober 2017, 10:00

-
-
-
- https://s.vk.nl/s-a4520474/
-

De facto zijn de Republikeinen een criminele organisatie

Bestaat het Westen eigenlijk nog? Een aantal gebeurtenissen de afgelopen week maakt duidelijk hoe groot de kloof is tussen de Angelsaksische wereld, waarnaar Nederland vanouds als voorbeeld kijkt, en het Europese continent, waarop het vanouds ligt.

Allereerst de Verenigde Staten, ook voor velen ten onzent om onbegrijpelijke reden nog steeds een soort 'Shining City on the Hill', terwijl het toch meer weg heeft van een Derde Wereldland: primitieve moorddadigheid, extreme inkomstenverschillen en een instortende publieke infrastructuur.

Na Las Vegas worden er in Washington weer veel stuitend hypocriete krokodillentranen vergoten. Een samenleving die stelselmatig onverbeterlijk blijft, roept dat over zichzelf af. In Wild-West-staat Nevada waren semi-automatische schietwapens toegestaan. Ook dat is natuurlijk een manier van gokken. Zolang een geborneerde Republikeinse meerderheid in het Congres stelselmatige serieuze wapenwetgeving tegenhoudt, is mijn medelijden met de slachtoffers onder hun kiezers beperkt.

De kwestie illustreert ook, hoezeer de Amerikaanse democratie verworden is tot een plutocratie, waarbij de National Riffle Association door miljoenen dollars verkiezingssteun vele 'volksvertegenwoordigers' in zijn zak heeft. Zij vormt de pseudolegale variant van de drugsmaffia waarvan veel Nederlandse burgemeesters nu de corrumperende infiltratie bij de gemeentelijke overheid vrezen. Elke poging van Obama om aan deze praktijk van omkoopbaarheid een einde te maken, door bedrijfsgiften aan politici te maximeren, is onder het motto 'vrijheid van meningsuiting' gefrustreerd. Het maakt de Republikeinse Partij de facto tot een criminele organisatie.

Over de manier waarop met Trumps leugenmachine de schijnwereld van de show-business de politiek heeft gekaapt, hoef ik het niet te hebben. Met uitzondering van Derk-Jan Eppink, die vooral geobsedeerd blijft door zijn eigen hekel aan Hillary Clinton, heeft gelukkig elke Nederlandse commentator dat wel door.

ADVERTISING
inRead invented by Teads

Nog meer slecht nieuws

Het blijft schadelijk dat Napoleon nooit de Britten heeft onderworpen

Dat Trumps omarming van de deplorables die laatsten niets zal brengen, maken Trumps recente belastingverlagingsplannen duidelijk: multimiljardairs als hijzelf gaan er als enigen echt op vooruit. Nee, imbeciel, zoals Rex Tillerson schijnt te hebben gezegd, is Trump niet. Daarvoor zorgt hij te goed voor zichzelf. Imbeciel zijn slechts degenen die nog niet zien dat zijn America First slechts een Trump First behelst.

En dan Groot-Brittannië onder de leiding van Theresa May, of wat daarvan na de letterlijke afbladdering van haar optreden in Manchester nog van resteert. Opnieuw is op het Tory-congres duidelijk geworden, hoezeer Engeland nog een negentiende-eeuwse klassenmaatschappij is, die niet eens rijp is voor de twintigste eeuw, laat staan voor de eenentwintigste. Het is, om Disraeli anno 1845 aan te halen, nog steeds een land van 'two nations'.

Patrick van IJzendoorn beschreef donderdag de confrontatie tussen de oerconservatieve oud-Etonian Jacob Rees-Mogg, zo weggelopen uit een roman van Jane Austen, en een rode activist, treffend als die tussen een begripvolle aristocraat en zijn opstandige lijfeigene. Het illustreert opnieuw hoe schadelijk het is dat Napoleon nooit de Britten heeft onderworpen.
May beloofde ooit, bij haar aantreden, in reactie op Thatchers 'There is no such thing as society', een zorgzame samenleving, die zich ook om de minder gefortuneerden zou bekommeren.

Maar de droom van de neoliberale Brexiteers die nu de toon zetten staat haaks daarop: die behelst de omvorming van hun eiland tot een soort fiscale vrijbuitersstaat voor de Europese kust, die dankzij forse belastingverlaging voor rijken en bedrijven ervoor moet zorgen dat 'Britannia rules the waves again'. De prijs daarvoor zullen zij betalen die van de daarmee verder afgebroken collectieve voorzieningen afhankelijk zijn.

Hamvraag

Macron heeft herhaaldelijk gezegd dat de EU meer bescherming moet bieden tegen de uitwassen van de markt

Wat zo bovendien dreigt, is dat ook andere landen zich door fiscale concurrentie tot een verdere sociale 'race to the bottom' genoodzaakt zien, iets waarop de aanstaande Haagse coalitie met de aangekondigde verlaging van de vennootschapsbelasting alvast een voorschot lijkt te nemen, die dan door een verhoging van het lage BTW-tarief moet worden gecompenseerd.
Van het eerste profiteren de aandeelhouders, onder het laatste lijden met name degenen die minder te besteden hebben.

Het is die onzekerheid aan de onderkant - ook het fenomeen van de werkende arme heeft met al die door VVD en D66 als vorm van zelfontplooiing lang toegejuichte flexbaantjes in Nederland zijn intrede gedaan - die het populisme electoraal voedt.

De Franse president Macron heeft herhaaldelijk gesteld dat de EU, om steun bij de gewone bevolking te herwinnen, meer bescherming tegen de uitwassen van de markt zal moeten bieden. Dat gaat niet samen met het fêteren van toekomstige Brexit-vluchtelingen uit de City door bestaande regels te versoepelen, zoals de VVD voorstaat. Het wordt de morele hamvraag voor de nieuwe coalitie, die verder reikt dan de Nachtwacht en het Wilhelmus: is zij er straks meer voor de basisschoolleraar of vooral voor de bonusbankier?

Thomas von der Dunk is cultuurhistoricus.

To: EPArpp@orau.org[EPArpp@orau.org]; Betty.Bowling@orau.org[Betty.Bowling@orau.org]; Joshua.Lindamood@orau.org[Joshua.Lindamood@orau.org]; Jeannie.Robinson@orau.org[Jeannie.Robinson@orau.org]; Pruitt, Scott[Pruitt.Scott@epa.gov]; Elkins, Jason[Elkins.Jason@epa.gov]; stan.meiburg@epa.gov[stan.meiburg@epa.gov]; gina.mccarthy@epa.gov[gina.mccarthy@epa.gov]; arthur.elkins@epa.gov[arthur.elkins@epa.gov]; ann.dunkin@epa.gov[ann.dunkin@epa.gov]; Jones, Enesta[Jones.Enesta@epa.gov]; ircthehague@state.gov[ircthehague@state.gov]; Daguillard, Robert[Daguillard.Robert@epa.gov]; Lynn, Tricia[lynn.tricia@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Jones, Enesta[Jones.Enesta@epa.gov]; Oita.Contactus[Oita.Contactus@epa.gov]; contactus@epa.gov[contactus@epa.gov]; info@epa.gov[info@epa.gov]
From: Karel M.F.D. Buuron - Bergen op Zoom NL
Sent: Sun 11/19/2017 9:49:42 PM
Subject: De Volkskrant 28 oktobober 2017 Michael Persson: "Trump heeft wel succes" met Klimaatsepticus Scott Pruitt / De Volkskrant dr. Thomas von der Dunk: " 8 oktober 2017 : Mentale kloof tussen Angelsaksische en Europese wereld wordt steeds groter"

Onderwerp: De Volkskrant 28 oktobober 2017 Michael Persson: "Trump heeft wel succes" met Klimaatsepticus Scott Pruitt / De Volkskrant dr. Thomas von der Dunk: " 8 oktober 2017 : Mentale kloof tussen Angelsaksische en Europese wereld wordt steeds groter"

AAN: Z.E. de Ambassadeur van de Verenigde Staten van Amerika (USA) in Nederland te Den Haag

Excellentie,

Beste Mensen, uit onderstaande VK artikel blijkt dat Trump wel degelijk "succes" heeft, al pakt het heel slecht uit voor de VS en de wereld, de- regulering water en luchtkwaliteit regels en vrij baan voor de fossiele brandstoffen als olie en steenkool enz. , ook slecht dus voor Klimaat en Milieu maar ook de Volksgezondheid in de VS zelf , ook dus de sociale cohesie die erg onderdruk zal komen te staan, vooral wat de gezondheidszorg betreft, veel onverzekerden, dus een steeds grotere kloof rijk en arm enz en niet te vergeten deregulering van de bankensector, wat in de toekomst ook heel slecht kan uitpakken.

Wat bijna nooit in de discussie wordt genoemd, dat in de VS maar maximaal 50% opkomt van de kiezers, dat (ex) gevangenen niet mogen stemmen, dat men zich moeten laten registreren, dat vooral armere kiezers en kiezers uit minderheidsgroepen weg blijven van de stembus, vaak wordt het in Republiekense staten belemmerd, doordat men bv een rijbewijs eist als legitimatie, ook worden de kiesdistricten gewijzigd in het voordeel van de Republikeinen.
Ook zijn de verschillen niet zo heel groot tussen de (conservatieve) Republikeinen en (centristische) Democraten, dus is er geen echt alternatief, doordat in dit Districtenstel kleine partijen of kandidaten geen enkele kans maken en men moet zo wie zo multi-miljonair zijn en of grote financiele fondsen bezitten (feitelijk gezien is de VS een oligarchie , binnen een democratisch bestel), een grote uitzondering de sociaal-

democraat Bernie Sanders, maar die werd door de top van de neo-liberale Democratische Partij "kapot" gemaakt, voor de rest maakt geen enkele progressieve, linkse of groene kandidaat enige kans en de Republikeinen houden iedere sociale vooruitgang tegen in de VS.
Prof dr. Thomas von der Dunk noemde de Republikeinen zelfs de facto een criminele organisatie, in zijn De Volkskrant Column van 8 oktober 2017

Dat wilde ik graag nog even toevoegen,

vriendelijke groeten,

karel buuron lid DiEM 25 (Democracy in Europe Movement 2025)

Demonstranten protesteren tegen de aanstelling van Scott Pruitt als directeur van EPA in Washington. © REUTERS

Waarom Trump trots is op het beleid van EPA, en op de honderden regeltjes die er geschrapt zijn

Klimaatscepticus Scott Pruitt maakt vele vijanden

ARTIKELHet lijkt of de Amerikaanse president Trump niets heeft bereikt sinds zijn verkiezing een jaar geleden. Maar kijk hoe hij zijn stempel heeft gedrukt op het milieuagentschap EPA, waar hij klimaatscepticus Scott Pruitt heeft benoemd. Burgers, klimaat en natuur hebben het nakijken.

Door: Michael Persson 28 oktober 2017, 02:00

-
-
-
- https://s.vk.nl/s-a4524608/
-

Toen Betsy Southerland op 21 juli naar een bespreking met haar hoogste baas ging, dacht ze dat er iets te bespreken viel. Met een velletje papier in haar hand liep ze door de gangen van het monumentale gebouw van het Environmental Protection Agency (EPA), de federale Amerikaanse milieudienst in het hart van Washington. Ze wist wat er op het spel stond, en ze was voorbereid. Ze had de kennis, ze had de feiten, ze had de ervaring.

Bij de vertrekken van haar baas werd ze tegengehouden door een gewapende veiligheidsman. Southerland, de directeur Wetenschap en Technologie van het bureau Water, al dertig jaar werkzaam bij het instituut, kon hier voorheen altijd doorlopen als ze haar pas liet zien. Nu keek de bewaker of ze op een lijst stond. Pas na de controle mocht ze verder.

Haar baas was EPA-directeur Scott Pruitt - een man met lijfwachten. Een man die wist dat hij vijanden zou maken.

> Er werd geen woord gewisseld, geen hoe-gaat-het, niets van de oppervlakkige wellevendheid die het Amerikaanse sociale verkeer zo aangenaam maakt

Drinkwatervoorziening beschermen

Protest tegen Pruitt in San Diego. © AFP

Wat er die middag op het spel stond: een onder Obama vastgestelde regel die kolencentrales zou verplichten hun van as vergeven afvalwater te zuiveren. Veel te lastig, lieten de energiemaatschappijen al snel na het aantreden van president Donald Trump aan de EPA weten. 'De regel gaat veel geld en banen kosten', stond in een brief die de brancheverenigingen UWAG in maart aan Pruitt stuurde. 'Als gevolg van de strenge eisen zullen er centrales gesloten moeten worden en dat gaat gevoeld worden in gemeenschappen in het hele land.' Weg ermee, was de duidelijke boodschap.

Dat de regel bedoeld was om de drinkwatervoorziening van miljoenen Amerikanen te beschermen tegen schadelijke stoffen, stond niet in de brief.

Southerland ging een vergaderkamer in en nam plaats aan de lange houten tafel. Naast haar gingen een paar collega's zitten: juristen, een ingenieur en de chef van het bureau Water. Tegenover haar nam Pruitt plaats, omringd door vier Trump-gezanten. Er werd geen woord gewisseld, geen hoe-gaat-het, niets van de oppervlakkige wellevendheid die het Amerikaanse sociale verkeer zo aangenaam maakt. Het enige geluid kwam van de stoelen die over het parket schoven.

Trump heeft wel degelijk iets om trots op te zijn: het schrappen , tegenhouden of vertragen van honderden regels en regeltjes die in zijn ogen de economische vooruitgang dwarsbomen

De chef van het bureau Water deelde aan de aanwezigen papieren uit met opties om de energiebedrijven enigszins tegemoet te komen. Nadat hij uitgesproken was, vroeg Pruitt of iemand daar nog wat aan toe te voegen had.

Ja, zei Southerland, en vertelde dat de gewraakte regel volgens drinkwaterbedrijven juist niet ver genoeg ging. Deze regel was een noodzakelijke eerste stap om het Amerikaanse volk te beschermen. Die moest je niet te ver terugdraaien.

Pruitt had geen vragen. Hij bedankte zijn ondergeschikten en verliet de ruimte. Southerland had geen idee of ze hem had overtuigd. Ze hoorde pas hoe hij erover dacht in augustus, toen een door een uitbater van kolencentrales aangespannen rechtszaak over de regel werd verdaagd. De regel bleek geschrapt, alle eisen waren opgeschort en alle deadlines voor de industrie waren uitgesteld. De kolenstokers hadden gewonnen.

Tekst gaat verder onder de afbeelding.

Protest tegen Pruitt bij een geplande speech voor de Harvard Club in New York, die Pruitt uiteindelijk heeft afgezegd. © EPA

Regeltjes schrappen

Vaak wordt er gedaan alsof president Trump weinig heeft bereikt sinds zijn verkiezing een jaar geleden. Qua grote wetgeving is er inderdaad niet veel gebeurd in Washington. De verwerping van Obamacare stuitte op Republikeinse dissidenten, het belastingplan heeft nog een lange weg te gaan, van de beloofde verbetering van de infrastructuur is nog niets vernomen, en er is geen wet aangenomen die de bouw van een muur langs de grens met Mexico moet financieren. Ook de meest in het oog springende presidentiële decreten, zoals die om immigranten uit moslimlanden te weren, eindigden in de prullenbak - keer op keer verscheurd door rechters die de bevelen ongrondwettig achtten.

Maar intussen gebeurt er toch van alles. Trump heeft wel degelijk iets om trots op te zijn: het schrappen, tegenhouden of vertragen van honderden regels en regeltjes die in zijn ogen de economische vooruitgang dwarsbomen. Het zijn regels die bescherming bieden aan de zwakkeren van Amerika, maar of het nou burgers zijn, het klimaat of de natuur: ze moeten zichzelf maar zien te redden.

Het vergeten bedrijfsleven

Op dat vlak heeft de populist Trump zich ontpopt tot een gewone Republikein. Trump, die tijdens de campagne zei op te komen voor de 'vergeten man', blijkt als president vooral op te komen voor het vergeten bedrijfsleven. Of het nou banken zijn of kolencentrales, olieboorders of megaboeren: deze door hem tijdens de campagne zwartgemaakte 'special interests' kunnen nu op zijn bijzondere belangstelling rekenen.

Bijna alle Republikeinen steunen hem daarin. Woensdag bijvoorbeeld stemden in de

Senaat vijftig Republikeinen - inclusief de senatoren Jeff Flake en Bob Corker, die eerder die dag nog scherpe kritiek op de president hadden geuit - voor de verwerping van een regel die consumenten moest beschermen tegen de oplichterspraktijken van sommige financiële instellingen. Deze regel, die consumenten het recht zou geven banken voor de rechter te dagen, was een van de belangrijkste maatregelen in de nasleep van de financiële crisis, en de trots van het Consumer Financial Protection Bureau dat onder Obama is opgericht. Maar voor de Amerikaanse Kamer van Koophandel, een bolwerk van het kale kapitalisme, was dit een 'typisch voorbeeld van een overheidsdienst gone rogue'. Liever een losgeslagen Wall Street dan een losgeslagen overheid.

Tekst gaat verder onder de afbeelding.

Protesten tegen Pruitt in San Diego. © REUTERS

> Pruitt luistert niet naar zijn eigen mensen. Hij veracht de wetenschappers in zijn eigen organisatie. Hij veracht de feiten
>
> Biochemicus en vakbondsman John O'Grady, EPA-medewerker in Chicago

Als er één overheidsdienst is die volgens de Republikeinen veel te ver gaat met zijn regeltjes, is het de EPA. En als er één overheidsdienst is waar Trump tot dusver zijn stempel op heeft gedrukt, is het de EPA. Het klimaat springt het meest in het oog, als slachtoffer van zijn dereguleringsdrang. Trump stapte uit het Parijs-akkoord en herriep, omringd door mijnwerkers, Obama's Clean Power Plan, het decreet om de broeikasgasuitstoot te verminderen door kolencentrales te sluiten. 'De oorlog tegen steenkool is over', zei zijn milieubaas Pruitt eerder deze maand in Kentucky. 'De EPA en geen enkele andere overheidsdienst mag ooit zijn autoriteit gebruiken om te zeggen: we verklaren de oorlog aan een bepaalde sector van de economie.'

Wat minder opvalt, is dat naast de bevrijde steenkoolbranche nog veel meer bedrijven worden verlost van regels en regulering ('regulatory relief', noemt Pruitt dat - de opluchting is in de term hoorbaar). Die gaan niet alleen over het klimaat, maar over luchtkwaliteit, over water, over lozingen, over risico's, over giftige stoffen en uiteindelijk over de plek waar die risico's en stoffen terechtkomen: bij de gewone Amerikaan.

Tekst gaat verder onder de afbeelding.

Demonstrant in San Diego. © AFP

> Zolang er geen regel geldt, kan die ook niet worden aangevochten

De regel waar Southerland zich hard voor maakte, heette de Effluent Limitations Guidelines Rule, die grenzen stelde aan giftige stoffen in het afvalwater van kolencentrales. Jarenlang stopten de energiemaatschappijen hun afvalwater (met daarin steenkoolas) in grote opslagbassins rond hun centrales. Regelmatig lekten die, waarna het spul over het land stroomde. In North Carolina leidde zo'n lekkage in 2014

tot meer dan 100 kilometer zwartgelakte oevers van de Dan River. De regel van Obama moest daar een eind aan maken. Maar dat plan werd dus op aandringen van de industrie door Pruitt op een zijspoor gezet.

Hij doet dat slim. 'Overheidsdiensten hebben de autoriteit om beslissingen uit het verleden te heroverwegen en te herzien, te verwerpen of te vervangen', schrijft een woordvoerder van de EPA desgevraagd in een mailtje. 'We verwachten dat het drie jaar duurt voordat een nieuwe regel is opgesteld. De EPA vindt het gepast om de eisen aan het afvalwater uit te stellen tot er een nieuwe regel is.'

Zo werkt het, zegt Southerland. Tot de nieuwe regel er is, kan de industrie op de oude voet verdergaan. Het opschorten van bestaande regels is een belangrijke strategie om rechtszaken te ontlopen. De EPA is wettelijk verplicht voor de lucht- en waterkwaliteit te zorgen. Maar zolang er geen regel geldt, kan die ook niet worden aangevochten.

Gedroomde kandidaat

Scott Pruitt. © Bloomberg via Getty Images

Scott Pruitt was tot vorig jaar de openbaar aanklager van Oklahoma, een staat die drijft op olie. Hij voerde in 2010 campagne met een ongebruikelijke belofte. Normaal gesproken willen openbare aanklagers de criminaliteit aanpakken, Pruitt wilde Washington aanpakken: dáár zaten de boeven. Hij beschuldigde met name de EPA van 'overreach', een favoriete conservatieve beschuldiging, waarin zowel bemoeizucht als overmoed doorklinkt. Pruitt vestigde definitief zijn naam door ten strijde te trekken tegen het Clean Power Plan van Obama.

Pruitt was in de ogen van de industrie dus de gedroomde kandidaat om de EPA te leiden. Bob Murray, eigenaar van een aantal steenkoolmijnen, was een van de mannen die Trump op het idee bracht. En die daarna zijn verlanglijst indiende bij Pruitt. 'Drieënhalf velletje met te schrappen reguleringen', zegt Murray in de onlangs verschenen PBS-documentaire War on the EPA. 'Het eerste velletje is al gedaan. Helemaal weggevaagd.'

Het is een 'omgekeerde wereld', zegt Southerland. 'Alles is op zijn kop gezet.' Biochemicus en vakbondsman John O'Grady, EPA-medewerker in Chicago, zegt dat Pruitt alleen met de industrie praat en niet met de burgers die hij moet beschermen of milieuorganisaties. 'Hij luistert niet naar zijn eigen mensen. Hij veracht de wetenschappers in zijn eigen organisatie. Hij veracht de feiten.'

Zuivering van de communicatie

Een van de maatregelen die Pruitt heeft genomen is de zuivering van de communicatie. Hij maakt volgens O'Grady zo min mogelijk aantekeningen, zodat die ook niet kunnen worden opgevraagd. Aan klimaatverandering wordt niet meer gerefereerd: het strategische plan voor de komende vier jaar maakt er op geen van de 38 pagina's melding van. Een EPA-website die lokale bestuurders in het land moest helpen zich

voor te bereiden op een toekomst met hogere temperaturen en zwaardere stormen, is grotendeels verdwenen. Het gaat nu alleen nog over energiebronnen; het aantal pagina's is teruggebracht van 380 naar 175, aldus een analyse van het Environmetal Defense and Governance Institute vorige week. Het Canadese bedrijf PageFreezer van de Nederlander Michiel Riedijk bewaart de verdwenen pagina's. 'Alle veranderingen worden vastgelegd.'

Nog meer zuivering: drie EPA-wetenschappers die maandag op een wetenschappelijke conferentie zouden komen praten over de veranderende ecologie van Narragansett Bay onder Boston, kregen door de leiding een spreekverbod opgelegd. Pruitt wil ook de wetenschappelijke adviesraad van de EPA opschudden en daarin voortaan alleen nog maar vertegenwoordigers uit de industrie aanstellen. Die zouden objectiever zijn dan experts die weleens een EPA-onderzoeksbeurs hebben gekregen.

Het is onderdeel van wat Pruitt een 'gebalanceerde benadering' noemt. Vakbondsman O'Grady begint te briesen als hij dat woord hoort. 'Waar hebben ze het in godsnaam over? Wij luisteren al decennia naar de industrie! We zijn voortdurend in overleg: wat is haalbaar, wat zijn de technische mogelijkheden om processen schoner te maken, wat kost dat? Het is gewoon een manier om ons in een kwaad daglicht te stellen.'

Tekst gaat verder onder de afbeelding.

Demonstrant in San Diego. © GETTY

Een moeras vol lobbyisten

Pruitt is niet de enige die liever naar het bedrijfsleven luistert. Ook andere hoge functies binnen de EPA worden gevuld met oud-lobbyisten uit de industrie. Nancy Beck, die chemicaliën beoordeelt, is afkomstig van de American Chemistry Council, de branchevereniging van de chemie. Andrew Wheeler, de beoogde tweede man van de EPA, was tot half augustus een lobbyist voor mijnbouwer Murray. Susan Bodine, die de handhavingsafdeling van de EPA moet gaan leiden, heeft jarenlang gelobbyd voor de vervuilende bedrijven die ze nu achter de broek moet zitten. Michael Dourson moet de giftige stoffen reguleren waarvan hij de risico's jarenlang (tegen betaling) heeft gerelativeerd. William Wehrum, die het American Petroleum Institute heeft geholpen bij het bestrijden van luchtkwaliteitseisen, wordt nu verantwoordelijk voor het opstellen daarvan. Dourson en Wehrum werden woensdag door een Senaatscommissie goedgekeurd: alle Democraten waren tegen, alle Republikeinen voor.

Het is typisch Trump, die tijdens de campagne altijd beloofde 'het moeras' van Washington te laten leeglopen. Nu vult hij het moeras met lobbyisten. 'Je hebt altijd politieke benoemingen, maar het is nog nooit zo erg geweest als nu', zegt O'Grady. Onder Reagan werd de EPA geleid door Anne Gorsuch, de moeder van opperrechter Neil Gorsuch. Ook zij liet de industrie binnenkomen, maar ze moest na twee jaar onder druk van het Congres aftreden. 'Toen waren het Huis van Afgevaardigden en de Senaat nog redelijk. Nu zijn die volkomen partijdig en gepolariseerd. In dat klimaat worden de raarste politieke benoemingen goedgekeurd.'

Tekst gaat verder onder de afbeelding.

Medewerkers van Greenpeace maken zich bij het hoofdkantoor van EPA in Washington op voor een protest tegen boringen van Shell in het noordpoolgebied. © GETTY

Anoniem

Het hoofdkantoor van de EPA in Washington is gehuisvest in de Federale Driehoek, een wigvormig gebied met belangrijke overheidsgebouwen tussen het Witte Huis en het Capitool - met daartussenin het Trump International Hotel. Het is een gebouw met dikke zuilen en stichtelijke jarendertigtaferelen in het kalksteen, van een jongen met een boek in zijn hand (kennis!) en een bal met vleugels (vooruitgang!).

De dertiger die maandag rond het lunchuur uit een zijdeur naar buiten slentert ziet er minder optimistisch uit. Hij werkt op de chemische afdeling van Nancy Beck. Veel wil hij niet zeggen, en alleen anoniem - praten is gevaarlijk. 'We proberen ons werk zo goed mogelijk te doen. We praten zo min mogelijk over de politieke situatie. Maar als we erover praten... dan is het behoorlijk deprimerend.'

Volgens vakbondsman O'Grady is er een stiltecode afgekondigd. 'Iedereen is bang. Mensen proberen zo goed en zo kwaad als het gaat door te werken. Ze beschermen eerst zichzelf en kijken dan pas of ze iets voor anderen kunnen doen.'

© Twitter

> Ik denk echt dat dit land een probleem krijgt met de veiligheid en volksgezondheid
>
> Betsy Southerland, directeur van de afdeling voor Wetenschap en Technologie van de EPA.

'Het personeel is totaal gedemoraliseerd', zegt Judith Enck, tot voor kort baas van Regio 2, een gebied dat New York, New Jersey en Puerto Rico omvat. 'Moet je je voorstellen dat je elke dag naar je werk loopt in de wetenschap dat Scott Pruitt naar hetzelfde gebouw loopt.'

Trump en Pruitt willen 30 procent in de kosten snijden. Dat zou duizenden werknemers hun baan kosten. Tot dusver zijn er nog geen gedwongen ontslagen gevallen; de eersten zijn vrijwillig vertrokken, meestal een jaar eerder met pensioen. Die bezuinigingen sluiten aan bij de rol die Pruitt voor zijn organisatie ziet: zo klein mogelijk.

Volgens de EPA-ambtenaren zit daarin misschien het grootste gevaar. Zonder geld en mensen kunnen geen metingen meer worden gedaan, en zonder metingen geen data, zonder data geen handhaving. En met minder geld kan er minder onderzoek worden gedaan en zonder onderzoek weet je ook niet wat de toxicologische effecten zijn van nieuwe stoffen, wat de risico's zijn, en wat wel en niet gevaarlijk is. 'En dan is er ook nog kans dat we ondeugdelijk onderzoek doen', zegt O'Grady. 'Als bedrijven dat straks

aanvechten, dan winnen ze makkelijker.'

Naar de rechter

Ach, eigenlijk hoopt O'Grady een beetje op rechtszaken tegen zijn instelling, de EPA. Hij hoopt dat een rechter wél de kennis binnen het instituut op waarde schat, zodat er andere conclusies uit worden getrokken dan Pruitt en de zijnen doen.

Southerland zegt dat haar mensen nog steeds hun best doen sinds die bespreking in juli. 'Ze willen de beste casus presenteren om de nieuwe regel te onderbouwen. Ook al is dat pas over jaren. Dat vergt feiten, solide wetenschap, kosten-baten-analyses. Als Pruitt zich niet laat overtuigen, dan de rechter misschien.'

Zelf zal ze dat niet meemaken: ze is vervroegd met pensioen gegaan. Familieomstandigheden speelden mee, maar ook de situatie bij EPA. 'Ik denk echt dat dit land een probleem krijgt met de veiligheid en volksgezondheid. Maar ik wist werkelijk niet meer wat ik moest zeggen om Scott Pruitt te overtuigen.'

De EU moet meer bescherming bieden, volgens de Franse president Macron. © AFP

Opinie op zondag - Mentale kloof tussen Angelsaksische en Europese wereld wordt steeds groter

Prikkelende opinie op een dag dat u er tijd voor heeft: de Volkskrant presenteert elke zondag twee bijdragen van een vaste club van zeven auteurs. Later vandaag filosoof Sebastien Valkenberg, nu cultuurhistoricus Thomas von der Dunk.

Thomas von der Dunk 8 oktober 2017, 10:00

-
-
-
- https://s.vk.nl/s-a4520474/
-

De facto zijn de Republikeinen een criminele organisatie

Bestaat het Westen eigenlijk nog? Een aantal gebeurtenissen de afgelopen week maakt duidelijk hoe groot de kloof is tussen de Angelsaksische wereld, waarnaar Nederland vanouds als voorbeeld kijkt, en het Europese continent, waarop het vanouds ligt.

Allereerst de Verenigde Staten, ook voor velen ten onzent om onbegrijpelijke reden nog steeds een soort 'Shining City on the Hill', terwijl het toch meer weg heeft van een Derde Wereldland: primitieve moorddadigheid, extreme inkomstenverschillen en een instortende publieke infrastructuur.

Na Las Vegas worden er in Washington weer veel stuitend hypocriete krokodillentranen vergoten. Een samenleving die stelselmatig onverbeterlijk blijft, roept dat over zichzelf af. In Wild-West-staat Nevada waren semi-automatische schietwapens toegestaan. Ook dat is natuurlijk een manier van gokken. Zolang een geborneerde Republikeinse meerderheid in het Congres stelselmatige serieuze wapenwetgeving tegenhoudt, is mijn medelijden met de slachtoffers onder hun kiezers beperkt.

De kwestie illustreert ook, hoezeer de Amerikaanse democratie verworden is tot een plutocratie, waarbij de National Riffle Association door miljoenen dollars verkiezingssteun vele 'volksvertegenwoordigers' in zijn zak heeft. Zij vormt de pseudolegale variant van de drugsmaffia waarvan veel Nederlandse burgemeesters nu de corrumperende infiltratie bij de gemeentelijke overheid vrezen. Elke poging van Obama om aan deze praktijk van omkoopbaarheid een einde te maken, door bedrijfsgiften aan politici te maximeren, is onder het motto 'vrijheid van meningsuiting' gefrustreerd. Het maakt de Republikeinse Partij de facto tot een criminele organisatie.

Over de manier waarop met Trumps leugenmachine de schijnwereld van de show-business de politiek heeft gekaapt, hoef ik het niet te hebben. Met uitzondering van Derk-Jan Eppink, die vooral geobsedeerd blijft door zijn eigen hekel aan Hillary Clinton, heeft gelukkig elke Nederlandse commentator dat wel door.

ADVERTISING
inRead invented by Teads

Nog meer slecht nieuws

Het blijft schadelijk dat Napoleon nooit de Britten heeft onderworpen

Dat Trumps omarming van de deplorables die laatsten niets zal brengen, maken Trumps recente belastingverlagingsplannen duidelijk: multimiljardairs als hijzelf gaan er als enigen echt op vooruit. Nee, imbeciel, zoals Rex Tillerson schijnt te hebben gezegd, is Trump niet. Daarvoor zorgt hij te goed voor zichzelf. Imbeciel zijn slechts degenen die nog niet zien dat zijn America First slechts een Trump First behelst.

En dan Groot-Brittannië onder de leiding van Theresa May, of wat daarvan na de letterlijke afbladdering van haar optreden in Manchester nog van resteert. Opnieuw is op het Tory-congres duidelijk geworden, hoezeer Engeland nog een negentiende-eeuwse klassenmaatschappij is, die niet eens rijp is voor de twintigste eeuw, laat staan voor de eenentwintigste. Het is, om Disraeli anno 1845 aan te halen, nog steeds een land van 'two nations'.

Patrick van IJzendoorn beschreef donderdag de confrontatie tussen de oerconservatieve oud-Etonian Jacob Rees-Mogg, zo weggelopen uit een roman van Jane Austen, en een rode activist, treffend als die tussen een begripvolle aristocraat en zijn opstandige lijfeigene. Het illustreert opnieuw hoe schadelijk het is dat Napoleon nooit de Britten heeft onderworpen.
May beloofde ooit, bij haar aantreden, in reactie op Thatchers 'There is no such thing as society', een zorgzame samenleving, die zich ook om de minder gefortuneerden zou bekommeren.

Maar de droom van de neoliberale Brexiteers die nu de toon zetten staat haaks daarop:

die behelst de omvorming van hun eiland tot een soort fiscale vrijbuitersstaat voor de Europese kust, die dankzij forse belastingverlaging voor rijken en bedrijven ervoor moet zorgen dat 'Britannia rules the waves again'. De prijs daarvoor zullen zij betalen die van de daarmee verder afgebroken collectieve voorzieningen afhankelijk zijn.

Hamvraag

> Macron heeft herhaaldelijk gezegd dat de EU meer bescherming moet bieden tegen de uitwassen van de markt

Wat zo bovendien dreigt, is dat ook andere landen zich door fiscale concurrentie tot een verdere sociale 'race to the bottom' genoodzaakt zien, iets waarop de aanstaande Haagse coalitie met de aangekondigde verlaging van de vennootschapsbelasting alvast een voorschot lijkt te nemen, die dan door een verhoging van het lage BTW-tarief moet worden gecompenseerd.
Van het eerste profiteren de aandeelhouders, onder het laatste lijden met name degenen die minder te besteden hebben.

Het is die onzekerheid aan de onderkant - ook het fenomeen van de werkende arme heeft met al die door VVD en D66 als vorm van zelfontplooiing lang toegejuichte flexbaantjes in Nederland zijn intrede gedaan - die het populisme electoraal voedt.

De Franse president Macron heeft herhaaldelijk gesteld dat de EU, om steun bij de gewone bevolking te herwinnen, meer bescherming tegen de uitwassen van de markt zal moeten bieden. Dat gaat niet samen met het fêteren van toekomstige Brexit-vluchtelingen uit de City door bestaande regels te versoepelen, zoals de VVD voorstaat. Het wordt de morele hamvraag voor de nieuwe coalitie, die verder reikt dan de Nachtwacht en het Wilhelmus: is zij er straks meer voor de basisschoolleraar of vooral voor de bonusbankier?

Thomas von der Dunk is cultuurhistoricus.

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: alexnazaryan@gmail.com
Sent: Fri 12/1/2017 6:09:38 PM
Subject: Re:

Okay, but please do check. He has nothing to be afraid of. I am writing a piece that is totally balanced.
Have a good weekend. Thanks for the additional statement.

On Fri, Dec 1, 2017 at 8:22 AM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

> I can check and circle back on Monday. Honestly we are full through mid-January (mostly because of the holidays).
>
> Sent from my iPhone
>
> On Dec 1, 2017, at 10:16 AM, Alexander Nazaryan <a.nazaryan@newsweek.com> wrote:
>
>> Fine, but how about an interview with him? I know you think I am writing a hit piece, but I am not. I wouldn't need an interview for that. I wouldn't have spoken to people in Oklahoma who say he is the best person they've ever worked for.
>>
>> On Fri, Dec 1, 2017 at 8:13 AM Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:
>>
>>> One more response you can use about your office ?
>>>
>>> "Rather than getting in the weeds about process, Administrator Pruitt is meeting with top career staff at the lead inundated East Chicago Superfund site, Gold King Mine, San Jacinto Waste Pits and other polluted sites because this EPA is about achieving results." EPA spokesman Jahan Wilcox
>>>
>>> Sent from my iPhone
>>>
>>> On Nov 17, 2017, at 10:15 AM, Alexander Nazaryan <a.nazaryan@newsweek.com> wrote:
>>>
>>>> Enjoyed the Administrator's interview with the Washington Post. Could we set something similar up for Newsweek?
>>>>
>>>> On Thu, Nov 16, 2017 at 3:28 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:
>>>>
>>>>> We sent you an on-the-record statement in October and we will send you this on-the-record statement as well.

On-The-Record Statement … **"Administrator Pruitt has met with staff from every region and took the unprecedented step of meeting with EPA's criminal investigators – a department that Obama slashed by 24 percent – about how we can work together to protect the environment and American jobs."** – EPA spokesman, Jahan Wilcox

On-The-Record Statement … **"We have a great working relationship with career EPA employees. In their own words, Mr. Cox said was planning his retirement before the new administration and Ms. Southerland said she was retiring due to a family issue. Despite the faux outrage, both employees will receive their six-figure taxpayer funded pension and we wish them the best."** – EPA spokesman, Jahan Wilcox

BACKGROUND RESEARCH …

According to career EPA employee Joel Scheraga, he has a great working relationship with EPA employees. "Staff from the EPA's disbanded climate adaptation office are still doing the same work despite moving to different offices a few months ago, the head of the team told POLITICO. An EPA reorganization finalized last week revealed that the agency followed through with a plan set in in the spring to reassign four climate change adaptation employees to two different sections of the Office of Policy, which is run by Samantha Dravis, a longtime political strategist and top aide to Administrator Scott Pruitt. 'Unequivocally, the Office of Policy continues to support work on climate adaptation,' said Joel Scheraga, a veteran EPA employee and the agency's senior adviser for climate adaptation. 'Samantha Dravis has asked me to continue working on climate adaptation issues. The bottom line is that climate adaptation work continues.' … Scheraga said the agency wants to help make sure that as communities "invest literally billions of dollars in new [water] systems that they in fact are better prepared for these extreme weather events so that they don't overflow so that they don't spill raw sewage into our lakes and streams," for example. 'We work with the communities to provide them with the information and the tools that they have told us they need to address their needs,' Scheraga said. 'They have told us they need to deal with these more intense precipitation events, these

storm surges, so that in fact they can continue to protect public health and the environment, again consistent with EPA's mission to ensure that they continue to protect water quality and can provide safe drinking water.' (Politico Pro, 09/11/17)

Michael Cox said his retirement was planned before Administrator Pruitt was nominated and confirmed by the Senate. "Cox said his own retirement had been long planned even before Trump's election, and that he's not aware of any big exodus of EPA staff from the Seattle office." (Seattle Times, 04/12/17)

In an email to an EPA colleague, Betsy Southland said she retired because she found out that she needed to help out with family medical care. "Maybe you did not receive my email about my retirement, but I sent it to you in June as soon as I found out I needed to retire to help out with family medical care." (NTK Network, Email Obtained By FOIA, 07/26/17)

Have a good day Alexander and we look forward to reading your story.

Best,

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: 202.309.0934
Work Email: wilcox.jahan@epa.gov

From: Alexander Nazaryan [mailto:a.nazaryan@newsweek.com]
Sent: Wednesday, November 15, 2017 9:08 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject:

Hi Jahan, I just want to make sure my requests are being taken seriously. That wasn't the impression I got when we spoke today.

--

Alexander Nazaryan
Senior Writer, National Affairs
Newsweek

--
Alexander Nazaryan
Senior Writer
Newsweek

www.newsweek.com/authors/alex-nazaryan

--
Alexander Nazaryan
Senior Writer, National Affairs
Newsweek

--
Alexander Nazaryan
Senior Writer
Newsweek

www.newsweek.com/authors/alex-nazaryan

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Valentine, Julia
Sent: Tue 8/1/2017 3:26:41 PM
Subject: RE: Comment on Betsy Southerland leaving--E&E News

Thanks for tracking in the ol' press box!

Julia P. Valentine

Assoc. Dir./Acting Dir.
U.S. EPA, Ofc of Media Relations

202.564.2663 direct

202.740.1336 m/txt

From: Wilcox, Jahan
Sent: Tuesday, August 01, 2017 11:25 AM
Cc: Press <Press@epa.gov>
Subject: Re: Comment on Betsy Southerland leaving--E&E News

Statement sent.

Sent from my iPhone

On Aug 1, 2017, at 11:16 AM, Ariel Wittenberg <awittenberg@eenews.net> wrote:

Hi All,

Wanted to ask if EPA has a comment on Betsy Southerland's leaving EPA. I'm writing up a story about it and quoting from her exit memo, which was shared by PEER (https://www.peer.org/assets/docs/epa/8_1_17_Betsy_farewell_message.pdf). My deadline Is noon.

Thanks,

Ariel

Ariel Wittenberg

E&E News reporter

awittenberg@eenews.net

202-737-4557

@arielwittenberg

E&E NEWS

122 C Street NW 7th Floor Washington, DC 20001

www.eenews.net | @EENewsUpdates

Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM, E&ETV

To: Press[Press@epa.gov]
From: Wilcox, Jahan
Sent: Thur 9/21/2017 1:37:13 PM
Subject: RE: LA Times questions -- civil service

Will handle.

From: Halper, Evan [mailto:Evan.Halper@latimes.com]
Sent: Thursday, September 21, 2017 9:35 AM
To: Press <Press@epa.gov>
Subject: LA Times questions -- civil service

Good morning:

I am reaching out for comment from the agency for a story about the civil service under the Trump administration. Does the EPA have a response to the concerns raised by recently departed employees such as Betsy Southerland and Michael Cox – and echoed by advocacy groups and lawmakers -- that it is sidelining its own scientific research and scientists in pursuit of the Trump political agenda? Has its approach to taking input from career staff changed with this administration?

You can reach me at 916.201.6398 if you would prefer to discuss in an interview. My deadline is 3:30 p.m. today. Thanks very much for your attention to this.

Best,

Evan Halper

National Reporter

Los Angeles Times

To: Evan.Halper@latimes.com[Evan.Halper@latimes.com]
From: Wilcox, Jahan
Sent: Fri 9/22/2017 3:29:47 PM
Subject: Re: Here you go - let me know what else you need

I have a minor typo -- should say Mr. Cox said he ...

On Sep 21, 2017, at 11:40 AM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

On-The-Record Statement … "We have a great working relationship with career EPA employees. In their own words, Mr. Cox said was planning his retirement before the new administration and Ms. Southland said she was retiring due to a family issue. Despite the faux outrage, both employees will receive their six-figure taxpayer funded pension and we wish them the best." – EPA spokesman, Jahan Wilcox

Background Without Attribution – As Everything Below Is In The Public Domain …

According to career EPA employee Joel Scheraga, he has a great working relationship with EPA employees. "Staff from the EPA's disbanded climate adaptation office are still doing the same work despite moving to different offices a few months ago, the head of the team told POLITICO. An EPA reorganization finalized last week revealed that the agency followed through with a plan set in in the spring to reassign four climate change adaptation employees to two different sections of the Office of Policy, which is run by Samantha Dravis, a longtime political strategist and top aide to Administrator Scott Pruitt. 'Unequivocally, the Office of Policy continues to support work on climate adaptation,' said Joel Scheraga, a veteran EPA employee and the agency's senior adviser for climate adaptation. 'Samantha Dravis has asked me to continue working on climate adaptation issues. The bottom line is that climate adaptation work continues.' … Scheraga said the agency wants to help make sure that as communities "invest literally billions of dollars in new [water] systems that they in fact are better prepared for these extreme weather events so that they don't overflow so that they don't spill raw sewage into our lakes and streams," for example. 'We work with the communities to provide them with the information and the tools that they have told us they need to address their needs,' Scheraga said. 'They have told us they need to deal with these more intense precipitation events, these storm surges, so that in fact they can continue to protect public health and the environment, again consistent with EPA's mission to ensure that they continue to protect water quality and can provide safe drinking water.' (Politico Pro, 09/11/17)

Michael Cox said his retirement was planned before Administrator Pruitt was nominated and confirmed by the Senate. "Cox said his own retirement had been

long planned even before Trump's election, and that he's not aware of any big exodus of EPA staff from the Seattle office." (Seattle Times, 04/12/17)

In an email to an EPA colleague, Betsy Southland said she retired because she found out that she needed to help out with family medical care. "Maybe you did not receive my email about my retirement, but I sent it to you in June as soon as I found out I needed to retire to help out with family medical care." (NTK Network, Email Obtained By FOIA, 07/26/17)

Betsy Southerland questioned Pruitt's decision to partner with states to protect the environment. "Southerland questioned Pruitt's belief that the EPA and federal environmental standards were guilty of 'running roughshod over states' rights.'" (The Huffington Post, 08/02/17)

Governor Dayton (DFL-MN) praised Administrator Pruitt for working with the states and even said he didn't want the regional EPA offices micromanaging his state. "Gov. Mark Dayton described a meeting Wednesday with EPA Administrator Scott Pruitt as 'productive and cordial' and said he's hopeful the Trump administration will eliminate some of the federal government red tape dealt to state agencies. 'We don't believe we need to be micromanaged by Region 5 in Chicago,' Dayton said during a news conference following a meeting at the Capitol that lasted more than an hour." (Minnesota Public Radio, 07/19/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

The White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Senate Majority Leader Mitch McConnell has said that he expects Congress

to ignore the budget. “Senate Republican Leader Mitch McConnell has already said he expects the Republican-led Congress to largely ignore the proposal, saying in an interview last week with Bloomberg News that early versions reflected priorities that "aren’t necessarily ours.” (Bloomberg, 05/22/17)

In 2016, Elizabeth Southerland made $249,000. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

From: Halper, Evan [mailto:Evan.Halper@latimes.com]
Sent: Thursday, September 21, 2017 9:35 AM
To: Press <Press@epa.gov>
Subject: LA Times questions -- civil service

Good morning:

I am reaching out for comment from the agency for a story about the civil service under the Trump administration. Does the EPA have a response to the concerns raised by recently departed employees such as Betsy Southerland and Michael Cox – and echoed by advocacy groups and lawmakers -- that it is sidelining its own scientific research and scientists in pursuit of the Trump political agenda? Has its approach to taking input from career staff changed with this administration?

You can reach me at 916.201.6398 if you would prefer to discuss in an interview. My deadline is 3:30 p.m. today. Thanks very much for your attention to this.

Best,

Evan Halper

National Reporter

Los Angeles Times

To: Halper, Evan[Evan.Halper@latimes.com]
From: Wilcox, Jahan
Sent: Tue 9/26/2017 8:03:33 PM
Subject: RE: Here you go - let me know what else you need

When does or did your story run?

From: Halper, Evan [mailto:Evan.Halper@latimes.com]
Sent: Friday, September 22, 2017 11:30 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Here you go - let me know what else you need

got it. thanks,

From: Wilcox, Jahan <wilcox.jahan@epa.gov>
Sent: Friday, September 22, 2017 11:29:47 AM
To: Halper, Evan
Subject: Re: Here you go - let me know what else you need

I have a minor typo -- should say Mr. Cox said he ...

On Sep 21, 2017, at 11:40 AM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

> **On-The-Record Statement … "We have a great working relationship with career EPA employees. In their own words, Mr. Cox said was planning his retirement before the new administration and Ms. Southland said she was retiring due to a family issue. Despite the faux outrage, both employees will receive their six-figure taxpayer funded pension and we wish them the best."** – EPA spokesman, Jahan Wilcox
>
> **Background Without Attribution – As Everything Below Is In The Public Domain …**
>
> **According to career EPA employee Joel Scheraga, he has a great working relationship with EPA employees.** "Staff from the EPA's disbanded climate adaptation office are still doing the same work despite moving to different offices a few months ago, the head of the team told POLITICO. An EPA reorganization finalized last week revealed that the agency followed through with a plan set in in

the spring to reassign four climate change adaptation employees to two different sections of the Office of Policy, which is run by Samantha Dravis, a longtime political strategist and top aide to Administrator Scott Pruitt. 'Unequivocally, the Office of Policy continues to support work on climate adaptation,' said Joel Scheraga, a veteran EPA employee and the agency's senior adviser for climate adaptation. 'Samantha Dravis has asked me to continue working on climate adaptation issues. The bottom line is that climate adaptation work continues.' … Scheraga said the agency wants to help make sure that as communities "invest literally billions of dollars in new [water] systems that they in fact are better prepared for these extreme weather events so that they don't overflow so that they don't spill raw sewage into our lakes and streams," for example. 'We work with the communities to provide them with the information and the tools that they have told us they need to address their needs,' Scheraga said. 'They have told us they need to deal with these more intense precipitation events, these storm surges, so that in fact they can continue to protect public health and the environment, again consistent with EPA's mission to ensure that they continue to protect water quality and can provide safe drinking water.' (Politico Pro, 09/11/17)

Michael Cox said his retirement was planned before Administrator Pruitt was nominated and confirmed by the Senate. "Cox said his own retirement had been long planned even before Trump's election, and that he's not aware of any big exodus of EPA staff from the Seattle office." (Seattle Times, 04/12/17)

In an email to an EPA colleague, Betsy Southland said she retired because she found out that she needed to help out with family medical care. "Maybe you did not receive my email about my retirement, but I sent it to you in June as soon as I found out I needed to retire to help out with family medical care." (NTK Network, Email Obtained By FOIA, 07/26/17)

Betsy Southerland questioned Pruitt's decision to partner with states to protect the environment. "Southerland questioned Pruitt's belief that the EPA and federal environmental standards were guilty of 'running roughshod over states' rights.'" (The Huffington Post, 08/02/17)

Governor Dayton (DFL-MN) praised Administrator Pruitt for working with the states and even said he didn't want the regional EPA offices micromanaging his state. "Gov. Mark Dayton described a meeting Wednesday with EPA Administrator Scott Pruitt as 'productive and cordial' and said he's hopeful the Trump administration will eliminate some of the federal government red tape dealt to state agencies. 'We don't believe we need to be micromanaged by Region 5 in Chicago,' Dayton said during a news conference following a meeting at the Capitol that lasted more than an hour." (Minnesota Public Radio, 07/19/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this

spring, as they traditionally have done." (McClatchy, 03/16/17)

The White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Senate Majority Leader Mitch McConnell has said that he expects Congress to ignore the budget. "Senate Republican Leader Mitch McConnell has already said he expects the Republican-led Congress to largely ignore the proposal, saying in an interview last week with Bloomberg News that early versions reflected priorities that "aren't necessarily ours." (Bloomberg, 05/22/17)

In 2016, Elizabeth Southerland made $249,000. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

From: Halper, Evan [mailto:Evan.Halper@latimes.com]
Sent: Thursday, September 21, 2017 9:35 AM
To: Press <Press@epa.gov>
Subject: LA Times questions -- civil service

Good morning:

I am reaching out for comment from the agency for a story about the civil service under the Trump administration. Does the EPA have a response to the concerns raised by recently departed employees such as Betsy Southerland and Michael Cox – and echoed by advocacy groups and lawmakers -- that it is sidelining its own scientific research and scientists in pursuit of the Trump political agenda? Has its approach to taking input from career staff changed with this administration?

You can reach me at 916.201.6398 if you would prefer to discuss in an interview. My deadline is 3:30 p.m. today. Thanks very much for your attention to this.

Best,

Evan Halper

National Reporter

Los Angeles Times

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Bowman, Liz
Sent: Thur 8/3/2017 2:39:52 PM
Subject: FW: Washington Times: EPA bigwig's boo-hoo exit — if only more would leave, 8/3/17

nice

From: Sorokin, Nicholas
Sent: Thursday, August 3, 2017 10:17 AM
To: AO OPA OMR CLIPS <AO_OPA_OMR_CLIPS@epa.gov>
Subject: Washington Times: EPA bigwig's boo-hoo exit — if only more would leave, 8/3/17

Washington Times

http://www.washingtontimes.com/news/2017/aug/2/epa-bigwigs-boo-hoo-exit-if-only-more-would-leave/

EPA bigwig's boo-hoo exit — if only more would leave

By Cheryl K. Chumley, 8/2/17

Elizabeth "Betsy" Southerland is ending her 30-year tenure with the Environmental Protection Agency with a big crybaby letter of resignation that decries what she calls President Donald Trump's fantasy regard for climate change.

Boo-hoo. Don't let the door hit you on the way. If only more EPA holdovers from past administrations, and from entrenched, long-running positions of power, would follow suit. As a matter of fact, maybe this whole agency ought to pack up and fold. The states could certainly do the job — the states, locals and private sectors.

But not to hear the bureaucrats spin it.

The mainstream media's spinning Southerland's departure, along with the scathing letter she wrote, blasting the Trump administration's new twist on EPA policy, as if the sky, indeed, were

falling — as if Chicken Little were right and chemicals and carbon dioxide in the atmosphere were blotting out all that was good in the world.

"The truth is," she wrote, The Hill reported, "There is NO war on coal, there is NO economic crisis caused by environmental protection, and climate change IS caused by man's activities."

And she should know, because she's a lifer at the EPA, not to mention a bureaucrat — the double whammy of educated enlightenment, at least in the eyes of the left. Well blah to that.

Nicholas Sorokin

Office of Media Relations Intern

U.S. Environmental Protection Agency

Telephone: (202) 564-5334

sorokin.nicholas@epa.gov

To: John Siciliano[jsiciliano@washingtonexaminer.com]
Cc: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Bowman, Liz
Sent: Thur 8/3/2017 2:57:17 PM
Subject: RE: Flint Article

Hi John, nothing additional than what was in the press release. There are some statements from Pruitt in there. Thanks – Liz

From: John Siciliano [mailto:jsiciliano@washingtonexaminer.com]
Sent: Thursday, August 3, 2017 10:48 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Flint Article

Do you have a statement on the cancellation of the ozone delay?

On Tue, Aug 1, 2017 at 5:25 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Also for comparison: https://www.thoughtco.com/top-us-government-officials-annual-salaries-3321465 and according to the federal pay site Jahan sites below, she is one of the highest paid EPA employees – especially relevant compared to the average American salary in the U.S. of about 50K.

From: Wilcox, Jahan
Sent: Tuesday, August 1, 2017 4:54 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; John Siciliano <jsiciliano@washingtonexaminer.com>
Subject: RE: Flint Article

Would point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Here is our statement …

"It's hard to believe that Elizabeth Southerland is retiring because of a budget

proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

From: Bowman, Liz
Sent: Tuesday, August 1, 2017 4:52 PM
To: John Siciliano <jsiciliano@washingtonexaminer.com>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE: Flint Article

Jahan has been responding to those; looping him in.

From: John Siciliano [mailto:jsiciliano@washingtonexaminer.com]
Sent: Tuesday, August 1, 2017 4:50 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Re: Flint Article

Do you have a response to this EPA official's resignation?

On Tue, Aug 1, 2017 at 4:49 PM, John Siciliano <jsiciliano@washingtonexaminer.com> wrote:

I'll look at it.

On Tue, Aug 1, 2017 at 4:31 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Hi John – EPA is not forgiving Flint's debt – Michigan is forgiving it. EPA concurred that it was the right thing to do.

Liz Bowman

U.S. Environmental Protection Agency (EPA)

Office: 202-564-3293

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Bowman, Liz
Sent: Thur 8/3/2017 5:39:10 PM
Subject: FW: Southerland

From: Dunlap, David [mailto:David.Dunlap@kochps.com]
Sent: Thursday, August 3, 2017 12:53 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Southerland

Liz,

Thought Jahan's rejoinder was well played. Hope you are doing well.

DDD

EPA responds. "It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water."

-- EPA spokesman Jahan Wilcox, in a statement.

avid D. Dunlap | Director, Environmental Regulatory Affairs

och Industries, Inc.

O 202.879.8511 | E david.dunlap@kochps.com

KOCHind.com | WeAreKOCH.com

Money demands that you sell, not your weakness to men's stupidity, but your talent to their reason. Money is the barometer of a society's virtue. – Ayn Rand

To: Halper, Evan[Evan.Halper@latimes.com]
From: Wilcox, Jahan
Sent: Tue 9/26/2017 8:10:54 PM
Subject: RE: Here you go - let me know what else you need

Cool. Coffee in October.

From: Halper, Evan [mailto:Evan.Halper@latimes.com]
Sent: Tuesday, September 26, 2017 4:05 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE: Here you go - let me know what else you need

Posted today: http://www.latimes.com/politics/la-na-pol-trump-civil-servants-201709-story.html

From: Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
Sent: Tuesday, September 26, 2017 4:04 PM
To: Halper, Evan
Subject: RE: Here you go - let me know what else you need

When does or did your story run?

From: Halper, Evan [mailto:Evan.Halper@latimes.com]
Sent: Friday, September 22, 2017 11:30 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Here you go - let me know what else you need

got it. thanks,

From: Wilcox, Jahan <wilcox.jahan@epa.gov>
Sent: Friday, September 22, 2017 11:29:47 AM
To: Halper, Evan
Subject: Re: Here you go - let me know what else you need

I have a minor typo -- should say Mr. Cox said he ...

On Sep 21, 2017, at 11:40 AM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

On-The-Record Statement … "We have a great working relationship with career EPA employees. In their own words, Mr. Cox said was planning his retirement before the new administration and Ms. Southland said she was retiring due to a family issue. Despite the faux outrage, both employees will receive their six-figure taxpayer funded pension and we wish them the best." – EPA spokesman, Jahan Wilcox

Background Without Attribution – As Everything Below Is In The Public Domain …

According to career EPA employee Joel Scheraga, he has a great working relationship with EPA employees. "Staff from the EPA's disbanded climate adaptation office are still doing the same work despite moving to different offices a few months ago, the head of the team told POLITICO. An EPA reorganization finalized last week revealed that the agency followed through with a plan set in in the spring to reassign four climate change adaptation employees to two different sections of the Office of Policy, which is run by Samantha Dravis, a longtime political strategist and top aide to Administrator Scott Pruitt. 'Unequivocally, the Office of Policy continues to support work on climate adaptation,' said Joel Scheraga, a veteran EPA employee and the agency's senior adviser for climate adaptation. 'Samantha Dravis has asked me to continue working on climate adaptation issues. The bottom line is that climate adaptation work continues.' … Scheraga said the agency wants to help make sure that as communities "invest literally billions of dollars in new [water] systems that they in fact are better prepared for these extreme weather events so that they don't overflow so that they don't spill raw sewage into our lakes and streams," for example. 'We work with the communities to provide them with the information and the tools that they have told us they need to address their needs,' Scheraga said. 'They have told us they need to deal with these more intense precipitation events, these storm surges, so that in fact they can continue to protect public health and the environment, again consistent with EPA's mission to ensure that they continue to protect water quality and can provide safe drinking water.' (Politico Pro, 09/11/17)

Michael Cox said his retirement was planned before Administrator Pruitt was nominated and confirmed by the Senate. "Cox said his own retirement had been long planned even before Trump's election, and that he's not aware of any big exodus of EPA staff from the Seattle office." (Seattle Times, 04/12/17)

In an email to an EPA colleague, Betsy Southland said she retired because she found out that she needed to help out with family medical care. "Maybe you did not receive my email about my retirement, but I sent it to you in June as soon as I found out I needed to retire to help out with family medical care." (NTK Network, Email Obtained By FOIA, 07/26/17)

Betsy Southerland questioned Pruitt's decision to partner with states to protect the environment. "Southerland questioned Pruitt's belief that the EPA and federal environmental standards were guilty of 'running roughshod over states' rights.'" (The Huffington Post, 08/02/17)

Governor Dayton (DFL-MN) praised Administrator Pruitt for working with the states and even said he didn't want the regional EPA offices micromanaging his state. "Gov. Mark Dayton described a meeting Wednesday with EPA Administrator Scott Pruitt as 'productive and cordial' and said he's hopeful the Trump administration will eliminate some of the federal government red tape dealt to state agencies. 'We don't believe we need to be micromanaged by Region 5 in Chicago,' Dayton said during a news conference following a meeting at the Capitol that lasted more than an hour." (Minnesota Public Radio, 07/19/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

The White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Senate Majority Leader Mitch McConnell has said that he expects Congress to ignore the budget. "Senate Republican Leader Mitch McConnell has already said he expects the Republican-led Congress to largely ignore the proposal, saying in an interview last week with Bloomberg News that early versions reflected

priorities that "aren't necessarily ours." (Bloomberg, 05/22/17)

In 2016, Elizabeth Southerland made $249,000. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

From: Halper, Evan [mailto:Evan.Halper@latimes.com]
Sent: Thursday, September 21, 2017 9:35 AM
To: Press <Press@epa.gov>
Subject: LA Times questions -- civil service

Good morning:

I am reaching out for comment from the agency for a story about the civil service under the Trump administration. Does the EPA have a response to the concerns raised by recently departed employees such as Betsy Southerland and Michael Cox – and echoed by advocacy groups and lawmakers -- that it is sidelining its own scientific research and scientists in pursuit of the Trump political agenda? Has its approach to taking input from career staff changed with this administration?

You can reach me at 916.201.6398 if you would prefer to discuss in an interview. My deadline is 3:30 p.m. today. Thanks very much for your attention to this.

Best,

Evan Halper

National Reporter

Los Angeles Times

To: Alexander Nazaryan[a.nazaryan@newsweek.com]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]
From: Wilcox, Jahan
Sent: Thur 11/16/2017 8:28:45 PM
Subject: RE:

We sent you an on-the-record statement in October and we will send you this on-the-record statement as well.

On-The-Record Statement … **"Administrator Pruitt has met with staff from every region and took the unprecedented step of meeting with EPA's criminal investigators – a department that Obama slashed by 24 percent – about how we can work together to protect the environment and American jobs."** – EPA spokesman, Jahan Wilcox

On-The-Record Statement … **"We have a great working relationship with career EPA employees. In their own words, Mr. Cox said was planning his retirement before the new administration and Ms. Southerland said she was retiring due to a family issue. Despite the faux outrage, both employees will receive their six-figure taxpayer funded pension and we wish them the best."** – EPA spokesman, Jahan Wilcox

BACKGROUND RESEARCH …

According to career EPA employee Joel Scheraga, he has a great working relationship with EPA employees. "Staff from the EPA's disbanded climate adaptation office are still doing the same work despite moving to different offices a few months ago, the head of the team told POLITICO. An EPA reorganization finalized last week revealed that the agency followed through with a plan set in in the spring to reassign four climate change adaptation employees to two different sections of the Office of Policy, which is run by Samantha Dravis, a longtime political strategist and top aide to Administrator Scott Pruitt. 'Unequivocally, the Office of Policy continues to support work on climate adaptation,' said Joel Scheraga, a veteran EPA employee and the agency's senior adviser for climate adaptation. 'Samantha Dravis has asked me to continue working on climate adaptation issues. The bottom line is that climate adaptation work continues.' … Scheraga said the agency wants to help make sure that as communities "invest literally billions of dollars in new [water] systems that they in fact are better prepared for these extreme weather events so that they don't overflow so that they don't spill raw sewage into our lakes and streams," for example. 'We work with the communities to provide them with the information and the tools that they have told us they need to address their needs,' Scheraga said. 'They have told us they need to deal

with these more intense precipitation events, these storm surges, so that in fact they can continue to protect public health and the environment, again consistent with EPA's mission to ensure that they continue to protect water quality and can provide safe drinking water.' (Politico Pro, 09/11/17)

Michael Cox said his retirement was planned before Administrator Pruitt was nominated and confirmed by the Senate. "Cox said his own retirement had been long planned even before Trump's election, and that he's not aware of any big exodus of EPA staff from the Seattle office." (Seattle Times, 04/12/17)

In an email to an EPA colleague, Betsy Southland said she retired because she found out that she needed to help out with family medical care. "Maybe you did not receive my email about my retirement, but I sent it to you in June as soon as I found out I needed to retire to help out with family medical care." (NTK Network, Email Obtained By FOIA, 07/26/17)

Have a good day Alexander and we look forward to reading your story.

Best,

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: 202.309.0934
Work Email: wilcox.jahan@epa.gov

From: Alexander Nazaryan [mailto:a.nazaryan@newsweek.com]
Sent: Wednesday, November 15, 2017 9:08 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject:

Hi Jahan, I just want to make sure my requests are being taken seriously. That wasn't the impression I got when we spoke today.

--

Alexander Nazaryan
Senior Writer, National Affairs
Newsweek

To: Alexander Nazaryan[a.nazaryan@newsweek.com]
From: Wilcox, Jahan
Sent: Fri 12/1/2017 4:13:05 PM
Subject: Re:

One more response you can use about your office ?

"Rather than getting in the weeds about process, Administrator Pruitt is meeting with top career staff at the lead inundated East Chicago Superfund site, Gold King Mine, San Jacinto Waste Pits and other polluted sites because this EPA is about achieving results." EPA spokesman Jahan Wilcox

Sent from my iPhone

On Nov 17, 2017, at 10:15 AM, Alexander Nazaryan <a.nazaryan@newsweek.com> wrote:

> Enjoyed the Administrator's interview with the Washington Post. Could we set something similar up for Newsweek?
>
> On Thu, Nov 16, 2017 at 3:28 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:
>
> > We sent you an on-the-record statement in October and we will send you this on-the-record statement as well.
> >
> > On-The-Record Statement … **"Administrator Pruitt has met with staff from every region and took the unprecedented step of meeting with EPA's criminal investigators – a department that Obama slashed by 24 percent – about how we can work together to protect the environment and American jobs."** – EPA spokesman, Jahan Wilcox
> >
> > On-The-Record Statement … **"We have a great working relationship with career EPA employees. In their own words, Mr. Cox said was planning his retirement before the new administration and Ms. Southerland said she was retiring due to a family issue. Despite the faux outrage, both employees will receive their six-figure taxpayer funded pension and we wish them the best."** – EPA spokesman, Jahan Wilcox
> >
> > **BACKGROUND RESEARCH …**
> >
> > **According to career EPA employee Joel Scheraga, he has a great working relationship with EPA employees.** "Staff from the EPA's disbanded climate adaptation office are still doing the same work despite moving to

different offices a few months ago, the head of the team told POLITICO. An EPA reorganization finalized last week revealed that the agency followed through with a plan set in in the spring to reassign four climate change adaptation employees to two different sections of the Office of Policy, which is run by Samantha Dravis, a longtime political strategist and top aide to Administrator Scott Pruitt. 'Unequivocally, the Office of Policy continues to support work on climate adaptation,' said Joel Scheraga, a veteran EPA employee and the agency's senior adviser for climate adaptation. 'Samantha Dravis has asked me to continue working on climate adaptation issues. The bottom line is that climate adaptation work continues.' … Scheraga said the agency wants to help make sure that as communities "invest literally billions of dollars in new [water] systems that they in fact are better prepared for these extreme weather events so that they don't overflow so that they don't spill raw sewage into our lakes and streams," for example. 'We work with the communities to provide them with the information and the tools that they have told us they need to address their needs,' Scheraga said. 'They have told us they need to deal with these more intense precipitation events, these storm surges, so that in fact they can continue to protect public health and the environment, again consistent with EPA's mission to ensure that they continue to protect water quality and can provide safe drinking water.' (Politico Pro, 09/11/17)

Michael Cox said his retirement was planned before Administrator Pruitt was nominated and confirmed by the Senate. "Cox said his own retirement had been long planned even before Trump's election, and that he's not aware of any big exodus of EPA staff from the Seattle office." (Seattle Times, 04/12/17)

In an email to an EPA colleague, Betsy Southland said she retired because she found out that she needed to help out with family medical care. "Maybe you did not receive my email about my retirement, but I sent it to you in June as soon as I found out I needed to retire to help out with family medical care." (NTK Network, Email Obtained By FOIA, 07/26/17)

Have a good day Alexander and we look forward to reading your story.

Best,

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: 202.309.0934
Work Email: wilcox.jahan@epa.gov

From: Alexander Nazaryan [mailto:a.nazaryan@newsweek.com]
Sent: Wednesday, November 15, 2017 9:08 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject:

Hi Jahan, I just want to make sure my requests are being taken seriously. That wasn't the impression I got when we spoke today.

--

Alexander Nazaryan
Senior Writer, National Affairs
Newsweek

--
Alexander Nazaryan
Senior Writer
Newsweek

www.newsweek.com/authors/alex-nazaryan

To: Alexander Nazaryan[a.nazaryan@newsweek.com]
From: Wilcox, Jahan
Sent: Fri 12/1/2017 4:19:51 PM
Subject: Re:

Or this one too ...

"Administrator Pruitt has engaged with regional offices all over the country. He has worked directly with top career staff at the lead inundated East Chicago Superfund site, Gold King Mine, San Jacinto Waste Pits and other polluted sites because this EPA is about achieving results."

On Dec 1, 2017, at 10:13 AM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

> One more response you can use about your office ?
>
> "Rather than getting in the weeds about process, Administrator Pruitt is meeting with top career staff at the lead inundated East Chicago Superfund site, Gold King Mine, San Jacinto Waste Pits and other polluted sites because this EPA is about achieving results." EPA spokesman Jahan Wilcox
>
> Sent from my iPhone
>
> On Nov 17, 2017, at 10:15 AM, Alexander Nazaryan <a.nazaryan@newsweek.com> wrote:
>
>> Enjoyed the Administrator's interview with the Washington Post. Could we set something similar up for Newsweek?
>>
>> On Thu, Nov 16, 2017 at 3:28 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:
>>
>>> We sent you an on-the-record statement in October and we will send you this on-the-record statement as well.
>>>
>>> On-The-Record Statement ... **"Administrator Pruitt has met with staff from every region and took the unprecedented step of meeting with EPA's criminal investigators – a department that Obama slashed by 24 percent – about how we can work together to protect the environment and American jobs."** – EPA spokesman, Jahan Wilcox
>>>
>>> On-The-Record Statement ... **"We have a great working relationship with career EPA employees. In their own words, Mr. Cox said was planning his retirement before the new administration and Ms.**

Southerland said she was retiring due to a family issue. Despite the faux outrage, both employees will receive their six-figure taxpayer funded pension and we wish them the best." – EPA spokesman, Jahan Wilcox

BACKGROUND RESEARCH …

According to career EPA employee Joel Scheraga, he has a great working relationship with EPA employees. "Staff from the EPA's disbanded climate adaptation office are still doing the same work despite moving to different offices a few months ago, the head of the team told POLITICO. An EPA reorganization finalized last week revealed that the agency followed through with a plan set in in the spring to reassign four climate change adaptation employees to two different sections of the Office of Policy, which is run by Samantha Dravis, a longtime political strategist and top aide to Administrator Scott Pruitt. 'Unequivocally, the Office of Policy continues to support work on climate adaptation,' said Joel Scheraga, a veteran EPA employee and the agency's senior adviser for climate adaptation. 'Samantha Dravis has asked me to continue working on climate adaptation issues. The bottom line is that climate adaptation work continues.' … Scheraga said the agency wants to help make sure that as communities "invest literally billions of dollars in new [water] systems that they in fact are better prepared for these extreme weather events so that they don't overflow so that they don't spill raw sewage into our lakes and streams," for example. 'We work with the communities to provide them with the information and the tools that they have told us they need to address their needs,' Scheraga said. 'They have told us they need to deal with these more intense precipitation events, these storm surges, so that in fact they can continue to protect public health and the environment, again consistent with EPA's mission to ensure that they continue to protect water quality and can provide safe drinking water.' (Politico Pro, 09/11/17)

Michael Cox said his retirement was planned before Administrator Pruitt was nominated and confirmed by the Senate. "Cox said his own retirement had been long planned even before Trump's election, and that he's not aware of any big exodus of EPA staff from the Seattle office." (Seattle Times, 04/12/17)

In an email to an EPA colleague, Betsy Southland said she retired because she found out that she needed to help out with family medical care. "Maybe you did not receive my email about my retirement, but I sent it to you in June as soon as I found out I needed to retire to help out with family medical care." (NTK Network, Email Obtained By FOIA, 07/26/17)

Have a good day Alexander and we look forward to reading your story.

Best,

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: 202.309.0934
Work Email: wilcox.jahan@epa.gov

From: Alexander Nazaryan [mailto:a.nazaryan@newsweek.com]
Sent: Wednesday, November 15, 2017 9:08 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject:

Hi Jahan, I just want to make sure my requests are being taken seriously. That wasn't the impression I got when we spoke today.

--

Alexander Nazaryan
Senior Writer, National Affairs
Newsweek

--

Alexander Nazaryan
Senior Writer
Newsweek

www.newsweek.com/authors/alex-nazaryan

To: Alexander Nazaryan[a.nazaryan@newsweek.com]
From: Wilcox, Jahan
Sent: Fri 12/1/2017 4:22:41 PM
Subject: Re:

I can check and circle back on Monday. Honestly we are full through mid-January (mostly because of the holidays).

Sent from my iPhone

On Dec 1, 2017, at 10:16 AM, Alexander Nazaryan <a.nazaryan@newsweek.com> wrote:

> Fine, but how about an interview with him? I know you think I am writing a hit piece, but I am not. I wouldn't need an interview for that. I wouldn't have spoken to people in Oklahoma who say he is the best person they've ever worked for.
>
> On Fri, Dec 1, 2017 at 8:13 AM Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:
>
> > One more response you can use about your office ?
> >
> > "Rather than getting in the weeds about process, Administrator Pruitt is meeting with top career staff at the lead inundated East Chicago Superfund site, Gold King Mine, San Jacinto Waste Pits and other polluted sites because this EPA is about achieving results." EPA spokesman Jahan Wilcox
> >
> > Sent from my iPhone
> >
> > On Nov 17, 2017, at 10:15 AM, Alexander Nazaryan <a.nazaryan@newsweek.com> wrote:
> >
> > > Enjoyed the Administrator's interview with the Washington Post. Could we set something similar up for Newsweek?
> > >
> > > On Thu, Nov 16, 2017 at 3:28 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:
> > >
> > > > We sent you an on-the-record statement in October and we will send you this on-the-record statement as well.
> > > >
> > > > On-The-Record Statement … **"Administrator Pruitt has met with staff from every region and took the unprecedented step of meeting with EPA's criminal investigators – a department that Obama slashed by 24 percent – about how we can work together**

to protect the environment and American jobs." – EPA spokesman, Jahan Wilcox

On-The-Record Statement … **"We have a great working relationship with career EPA employees. In their own words, Mr. Cox said was planning his retirement before the new administration and Ms. Southerland said she was retiring due to a family issue. Despite the faux outrage, both employees will receive their six-figure taxpayer funded pension and we wish them the best."** – EPA spokesman, Jahan Wilcox

BACKGROUND RESEARCH …

According to career EPA employee Joel Scheraga, he has a great working relationship with EPA employees. "Staff from the EPA's disbanded climate adaptation office are still doing the same work despite moving to different offices a few months ago, the head of the team told POLITICO. An EPA reorganization finalized last week revealed that the agency followed through with a plan set in in the spring to reassign four climate change adaptation employees to two different sections of the Office of Policy, which is run by Samantha Dravis, a longtime political strategist and top aide to Administrator Scott Pruitt. 'Unequivocally, the Office of Policy continues to support work on climate adaptation,' said Joel Scheraga, a veteran EPA employee and the agency's senior adviser for climate adaptation. 'Samantha Dravis has asked me to continue working on climate adaptation issues. The bottom line is that climate adaptation work continues.' … Scheraga said the agency wants to help make sure that as communities "invest literally billions of dollars in new [water] systems that they in fact are better prepared for these extreme weather events so that they don't overflow so that they don't spill raw sewage into our lakes and streams," for example. 'We work with the communities to provide them with the information and the tools that they have told us they need to address their needs,' Scheraga said. 'They have told us they need to deal with these more intense precipitation events, these storm surges, so that in fact they can continue to protect public health and the environment, again consistent with EPA's mission to ensure that they continue to protect water quality and can provide safe drinking water.' (Politico Pro, 09/11/17)

Michael Cox said his retirement was planned before Administrator Pruitt was nominated and confirmed by the Senate. "Cox said his own retirement had been long planned even

before Trump's election, and that he's not aware of any big exodus of EPA staff from the Seattle office." (Seattle Times, 04/12/17)

In an email to an EPA colleague, Betsy Southland said she retired because she found out that she needed to help out with family medical care. "Maybe you did not receive my email about my retirement, but I sent it to you in June as soon as I found out I needed to retire to help out with family medical care." (NTK Network, Email Obtained By FOIA, 07/26/17)

Have a good day Alexander and we look forward to reading your story.

Best,

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: 202.309.0934
Work Email: wilcox.jahan@epa.gov

From: Alexander Nazaryan [mailto:a.nazaryan@newsweek.com]
Sent: Wednesday, November 15, 2017 9:08 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject:

Hi Jahan, I just want to make sure my requests are being taken seriously. That wasn't the impression I got when we spoke today.

--

Alexander Nazaryan
Senior Writer, National Affairs
Newsweek

--
Alexander Nazaryan

Senior Writer
Newsweek

www.newsweek.com/authors/alex-nazaryan

--
Alexander Nazaryan
Senior Writer, National Affairs
Newsweek

To: Friedman, Lisa[lisa.friedman@nytimes.com]
From: wilcox.jahan@epa.gov
Sent: Fri 12/15/2017 9:54:57 PM
Subject: Re: apologies for all the back and forth

That is correct - 120 annually or 10 a month. The old vendor was 207 annually. A savings of 87,000.

On Dec 15, 2017, at 4:36 PM, Friedman, Lisa <lisa.friedman@nytimes.com> wrote:

ok. the contract says $120K - that's not accurate?

On Fri, Dec 15, 2017 at 4:32 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Definers was awarded the contract to do our press clips at a rate that is $87,000 cheaper than our previous vendor and they are providing no other services.

This year, EPA has received over 10,000 public information requests from journalists and individuals across the political spectrum and we're responding to them in a manner that is fair and efficient.

If you have questions regarding how Definers operates, we encourage you to contact them.

> On Dec 15, 2017, at 3:09 PM, Friedman, Lisa <lisa.friedman@nytimes.com> wrote:
>
> But a few more things were just brought to my attention that require a few more questions.
>
> America Rising, which as you know shares top leadership with Definers Corp., has filed more than 200 FOIAs with EPA since 2015. Most recently they have requested information, including emails and other data, about a number of EPA employees - including many who have spoken out publicly against the agency like Betsy Southerland, Michael Cox and John O'Grady.
>
> Can you please offer me a comment on whether EPA believes it is appropriate to hire a firm that shares ownership with an organization that has investigated its employees?
>
> Thank you
> Lisa
>
> --
> Lisa Friedman
> Reporter, New York Times

> (202) 862-0306 office
> (202) 251-2083 cell
>

--
Lisa Friedman
Reporter, New York Times
(202) 862-0306 office
(202) 251-2083 cell

To: Friedman, Lisa[lisa.friedman@nytimes.com]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Press[Press@epa.gov]
From: wilcox.jahan@epa.gov
Sent: Fri 12/15/2017 9:32:17 PM
Subject: Re: apologies for all the back and forth

Definers was awarded the contract to do our press clips at a rate that is $87,000 cheaper than our previous vendor and they are providing no other services.

This year, EPA has received over 10,000 public information requests from journalists and individuals across the political spectrum and we're responding to them in a manner that is fair and efficient.

If you have questions regarding how Definers operates, we encourage you to contact them.

> On Dec 15, 2017, at 3:09 PM, Friedman, Lisa <lisa.friedman@nytimes.com> wrote:
>
> But a few more things were just brought to my attention that require a few more questions.
>
> America Rising, which as you know shares top leadership with Definers Corp., has filed more than 200 FOIAs with EPA since 2015. Most recently they have requested information, including emails and other data, about a number of EPA employees - including many who have spoken out publicly against the agency like Betsy Southerland, Michael Cox and John O'Grady.
>
> Can you please offer me a comment on whether EPA believes it is appropriate to hire a firm that shares ownership with an organization that has investigated its employees?
>
> Thank you
> Lisa
>
> --
> Lisa Friedman
> Reporter, New York Times
> (202) 862-0306 office
> (202) 251-2083 cell
>

To: Tyler O'Neil[tylero@pjmedia.com]
Sent: Mon 7/31/2017 6:41:42 PM
Subject: Hey Tyler -

Earlier this spring, there was an EPA employee who was eligible for retirement and claimed he was quitting because of Trump and his proposed budget, when in reality he was just retiring because he was eligible for his pension. Of course the liberal Washington Post and other outlets jumped on the news.

•□□□□□□□□ **The Washington Post: EPA staffer leaves with a bang, blasting agency policies under Trump – April 7, 2015**
https://www.washingtonpost.com/news/powerpost/wp/2017/04/07/epa-staffer-leaves-with-a-bang-blasting-agency-policies-under-trump/?utm_term=.bf260e6e228a

Well another employee is doing the same thing and she's claiming that due to President Trump's proposed budget she is quitting, but it's widely known that presidential budgets – no matter what party you are from – never get rubberstamped by Congress. Below is the WaPo inquiry along with along with why the employee is claiming to retire.

Additionally, would also point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Curious if you would be interested in writing about this, because the left and environmentalists will make a big deal out of nothing.

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500.

(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

The White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support

this year." (The Washington Times, 05/16/12)

Senate Majority Leader Mitch McConnell has said that he expects Congress to ignore the budget. "Senate Republican Leader Mitch McConnell has already said he expects the Republican-led Congress to largely ignore the proposal, saying in an interview last week with Bloomberg News that early versions reflected priorities that "aren't necessarily ours." (Bloomberg, 05/22/17)

Senator Lindsey Graham said presidential budgets do not fare well. "Historically, presidential budgets do not fare well with Congress," said Sen. Lindsey Graham, R-S.C. (McClatchy, 03/16/17)

Senate Appropriations Committee Member John Hoevan said this budget is a starting point. "'The budget's a starting point. We'll go to work from there,' said Sen. John Hoeven, R-N.D., a member of the Senate Appropriations Committee." (The Associated Press, 05/22/17)

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Davidson, Joe" <joe.davidson@washpost.com>
Date: July 31, 2017 at 12:55:28 PM EDT
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Elizabeth Harrington
Sent: Wed 9/6/2017 5:37:45 PM
Subject: Re: Hey Liz

what's a good number for you?

On Wed, Sep 6, 2017 at 1:05 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

I have an email on her.

From: Elizabeth Harrington [mailto:elizabeth@freebeacon.com]
Sent: Wednesday, September 6, 2017 12:28 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Hey Liz

Can you confirm that Elizabeth Southerland accepted a buyout offer?

On Tue, Sep 5, 2017 at 6:02 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Hey Liz -

Wanted to pass this along in the event you are interested in writing about this tonight or tomorrow (as word is slowly coming out).

On background – as an EPA official – there has been a lot of interest regarding buyout of EPA employees at the agency.

From the latest appropriations bill from Congress, our staff ceiling is at 15,000 and we currently have 14,880 employees. Last week, **362 employees** accepted their voluntary buyout (which is officially called the VERA/VSIP) and then on August 31, 2017 another **12 employees retired**. Additionally, another **33 employees are retiring** at the end of September and **45 other employees** are still considering offers.

If all those individuals accept offers and including the unrelated retirees, EPA employment levels would be at 14,428. The last time EPA was at an actual employment level of **14,440 was FY1988 when Ronald Reagan was president.**

We also wanted to point out that the EPA is incredibly top-heavy, as 25 percent of the agency can retire today with full benefits. Another 25 percent can retire in the next 5 years with full benefits.

Additionally, according to https://www.federalpay.org/employees/environmental-protection-agency in 2015, the EPA had 15,561 employees with an average pay of $113,820 and at that time the top 10 percent of employees at the agency made 14 percent of the total income which was $1.7 billion. The average American income is about $50,000.

Finally, wanted to pass along this statement from EPA Administrator Scott Pruitt regarding the employee buyouts.

"We're giving long-serving, hard-working employees the opportunity to retire early. We're proud to report that we're reducing the size of government, protecting taxpayer dollars and staying true to our core mission of protecting the environment and American jobs." - Scott Pruitt, EPA Administrator

BACKGROUND …

The Senate and House Appropriations Committees marked up the FY17 appropriations bills enacted in April and contained the following language which capped EPA's staff at 15,000. "The legislation rejects the previous Administration's proposed increase in staffing, holding the EPA to the current capacity of 15,000 positions, the lowest since 1989." (House Appropriations, 05/01/17)

Information regarding the buyout program that is officially called VSIP or VERA. "A buyout — also called a voluntary separation incentive payment or VSIP — is a cash payment to entice a federal employee to leave voluntarily. The maximum in most cases is $25,000 per person, although the payment is taxable, reducing its take-home value by several thousand dollars at least. Employees accepting a buyout must leave by a specific date and can't return to federal employment within five years unless they repaid the entire, pretax buyout amount. … Commonly, buyouts are paired with early retirement offers. Voluntary Early Retirement Authority (VERA), in federal lingo, allows federal employees to retire before they hit the standard combinations of age and years of service. There are two main federal retirement systems, one called the Civil Service Retirement System and the other the Federal Employees Retirement System. The former generally applies to those first hired before 1984, now less than a tenth of the workforce — but that also means they are older and closer to retirement on average. Early retirement offers allow employees under either system to retire at age 50 with 20 years of service or any age with 25 years, potentially subject to a reduction in benefits." (The Washington Post, 04/19/17)

Employees eligible to retire right now is 2,998 or 20.17 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire by December 31, 2017 is 703 or 4.73 percent. (EPA's

Resources Management office, 05/03/17)

Employees eligible to retire in the next 5 years is 3,171 or 21.33 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire in the next 5 to 10 years is 2,102 or 14.14 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire in the next 10 to 15 years is 1,686 or 11.34 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire in the next 15 to 20 years is 1,597 or 10.74 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire in the next 20 to 30 years is 2,351 or 15.82 percent. (EPA's Resources Management office, 05/03/17)

In 2015, the average EPA employee made $113,820. "The Environmental Protection Agency had 15,561 employees in 2015 with an average pay (base salary + bonus) of $113,820.16. The most common occupation was environmental protection specialist, followed by general physical science. The most common payscale is General Schedule. The top ten percent of employees in the Environmental Protection Agency earn 14% of the total income. See the top 100 most well paid employees in Environmental Protection Agency." (https://www.federalpay.org/employees/environmental-protection-agency, Accessed 09/05/17)

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: 202.309.0934
Work Email: wilcox.jahan@epa.gov

--

Elizabeth Harrington

Staff Writer

Washington Free Beacon
202-770-3795

--
Elizabeth Harrington
Staff Writer
Washington Free Beacon
202-770-3795

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Elizabeth Harrington
Sent: Wed 9/6/2017 4:28:17 PM
Subject: Re: Hey Liz

Can you confirm that Elizabeth Southerland accepted a buyout offer?

On Tue, Sep 5, 2017 at 6:02 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Hey Liz -

Wanted to pass this along in the event you are interested in writing about this tonight or tomorrow (as word is slowly coming out).

On background – as an EPA official – there has been a lot of interest regarding buyout of EPA employees at the agency.

From the latest appropriations bill from Congress, our staff ceiling is at 15,000 and we currently have 14,880 employees. Last week, **362 employees** accepted their voluntary buyout (which is officially called the VERA/VSIP) and then on August 31, 2017 another **12 employees retired**. Additionally, another **33 employees are retiring** at the end of September and **45 other employees** are still considering offers.

If all those individuals accept offers and including the unrelated retirees, EPA employment levels would be at 14,428. The last time EPA was at an actual employment level of **14,440 was FY1988 when Ronald Reagan was president.**

We also wanted to point out that the EPA is incredibly top-heavy, as 25 percent of the agency can retire today with full benefits. Another 25 percent can retire in the next 5 years with full benefits.

Additionally, according to https://www.federalpay.org/employees/environmental-protection-agency in 2015, the EPA had 15,561 employees with an average pay of $113,820 and at that time the top 10 percent of employees at the agency made 14 percent of the total income which was $1.7 billion. The average American income is about $50,000.

Finally, wanted to pass along this statement from EPA Administrator Scott Pruitt regarding the employee buyouts.

"We're giving long-serving, hard-working employees the opportunity to retire early. We're proud to report that we're reducing the size of government, protecting taxpayer dollars and staying true to our core mission of protecting the environment and American jobs." - Scott Pruitt, EPA Administrator

BACKGROUND …

The Senate and House Appropriations Committees marked up the FY17 appropriations bills enacted in April and contained the following language which capped EPA's staff at 15,000. "The legislation rejects the previous Administration's proposed increase in staffing, holding the EPA to the current capacity of 15,000 positions, the lowest since 1989." (House Appropriations, 05/01/17)

Information regarding the buyout program that is officially called VSIP or VERA. "A buyout — also called a voluntary separation incentive payment or VSIP — is a cash payment to entice a federal employee to leave voluntarily. The maximum in most cases is $25,000 per person, although the payment is taxable, reducing its take-home value by several thousand dollars at least. Employees accepting a buyout must leave by a specific date and can't return to federal employment within five years unless they repaid the entire, pretax buyout amount. … Commonly, buyouts are paired with early retirement offers. Voluntary Early Retirement Authority (VERA), in federal lingo, allows federal employees to retire before they hit the standard combinations of age and years of service. There are two main federal retirement systems, one called the Civil Service Retirement System and the other the Federal Employees Retirement System. The former generally applies to those first hired before 1984, now less than a tenth of the workforce — but that also means they are older and closer to retirement on average. Early retirement offers allow employees under either system to retire at age 50 with 20 years of service or any age with 25 years, potentially subject to a reduction in benefits." (The Washington Post, 04/19/17)

Employees eligible to retire right now is 2,998 or 20.17 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire by December 31, 2017 is 703 or 4.73 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire in the next 5 years is 3,171 or 21.33 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire in the next 5 to 10 years is 2,102 or 14.14 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire in the next 10 to 15 years is 1,686 or 11.34 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire in the next 15 to 20 years is 1,597 or 10.74 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire in the next 20 to 30 years is 2,351 or 15.82 percent. (EPA's Resources Management office, 05/03/17)

In 2015, the average EPA employee made $113,820. "The Environmental Protection

Agency had 15,561 employees in 2015 with an average pay (base salary + bonus) of $113,820.16. The most common occupation was environmental protection specialist, followed by general physical science. The most common payscale is General Schedule. The top ten percent of employees in the Environmental Protection Agency earn 14% of the total income. See the top 100 most well paid employees in Environmental Protection Agency." (https://www.federalpay.org/employees/environmental-protection-agency, Accessed 09/05/17)

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: 202.309.0934
Work Email: wilcox.jahan@epa.gov

--
Elizabeth Harrington
Staff Writer
Washington Free Beacon
202-770-3795

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Friedman, Lisa
Sent: Fri 12/15/2017 10:05:36 PM
Subject: Re: apologies for all the back and forth

got it ty

On Fri, Dec 15, 2017 at 4:54 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

> That is correct - 120 annually or 10 a month. The old vendor was 207 annually. A savings of 87,000.
>
> On Dec 15, 2017, at 4:36 PM, Friedman, Lisa <lisa.friedman@nytimes.com> wrote:
>
>> ok. the contract says $120K - that's not accurate?
>>
>> On Fri, Dec 15, 2017 at 4:32 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:
>>
>>> Definers was awarded the contract to do our press clips at a rate that is $87,000 cheaper than our previous vendor and they are providing no other services.
>>>
>>> This year, EPA has received over 10,000 public information requests from journalists and individuals across the political spectrum and we're responding to them in a manner that is fair and efficient.
>>>
>>> If you have questions regarding how Definers operates, we encourage you to contact them.
>>>
>>> > On Dec 15, 2017, at 3:09 PM, Friedman, Lisa <lisa.friedman@nytimes.com> wrote:
>>> >
>>> > But a few more things were just brought to my attention that require a few more questions.
>>> >
>>> > America Rising, which as you know shares top leadership with Definers Corp., has filed more than 200 FOIAs with EPA since 2015. Most recently they have requested information, including emails and other data, about a number of EPA employees - including many who have spoken out publicly against the agency like Betsy Southerland, Michael Cox and John O'Grady.
>>> >
>>> > Can you please offer me a comment on whether EPA believes it is appropriate to hire a firm that shares ownership with an organization that has investigated its employees?
>>> >
>>> > Thank you

> Lisa
>
> --
> Lisa Friedman
> Reporter, New York Times
> (202) 862-0306 office
> (202) 251-2083 cell
>

--
Lisa Friedman
Reporter, New York Times
(202) 862-0306 office
(202) 251-2083 cell

--
Lisa Friedman
Reporter, New York Times
(202) 862-0306 office
(202) 251-2083 cell

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Friedman, Lisa
Sent: Fri 12/15/2017 9:34:23 PM
Subject: Re: apologies for all the back and forth

ok. the contract says $120K - that's not accurate?

On Fri, Dec 15, 2017 at 4:32 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Definers was awarded the contract to do our press clips at a rate that is $87,000 cheaper than our previous vendor and they are providing no other services.

This year, EPA has received over 10,000 public information requests from journalists and individuals across the political spectrum and we're responding to them in a manner that is fair and efficient.

If you have questions regarding how Definers operates, we encourage you to contact them.

> On Dec 15, 2017, at 3:09 PM, Friedman, Lisa <lisa.friedman@nytimes.com> wrote:
>
> But a few more things were just brought to my attention that require a few more questions.
>
> America Rising, which as you know shares top leadership with Definers Corp., has filed more than 200 FOIAs with EPA since 2015. Most recently they have requested information, including emails and other data, about a number of EPA employees - including many who have spoken out publicly against the agency like Betsy Southerland, Michael Cox and John O'Grady.
>
> Can you please offer me a comment on whether EPA believes it is appropriate to hire a firm that shares ownership with an organization that has investigated its employees?
>
> Thank you
> Lisa
>
> --
> Lisa Friedman
> Reporter, New York Times
> (202) 862-0306 office
> (202) 251-2083 cell
>

--
Lisa Friedman

Reporter, New York Times
(202) 862-0306 office
(202) 251-2083 cell

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Alexander Nazaryan
Sent: Wed 12/6/2017 1:40:46 AM
Subject: Re:

I'm also happy to buy you an off-the-record beer for all your troubles.

On Fri, Dec 1, 2017 at 1:09 PM Alexander Nazaryan <a.nazaryan@newsweek.com> wrote:

> Okay, but please do check. He has nothing to be afraid of. I am writing a piece that is totally balanced.
> Have a good weekend. Thanks for the additional statement.
>
> On Fri, Dec 1, 2017 at 8:22 AM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:
>
> > I can check and circle back on Monday. Honestly we are full through mid-January (mostly because of the holidays).
> >
> > Sent from my iPhone
> >
> > On Dec 1, 2017, at 10:16 AM, Alexander Nazaryan <a.nazaryan@newsweek.com> wrote:
> >
> > > Fine, but how about an interview with him? I know you think I am writing a hit piece, but I am not. I wouldn't need an interview for that. I wouldn't have spoken to people in Oklahoma who say he is the best person they've ever worked for.
> > >
> > > On Fri, Dec 1, 2017 at 8:13 AM Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:
> > >
> > > > One more response you can use about your office ?
> > > >
> > > > "Rather than getting in the weeds about process, Administrator Pruitt is meeting with top career staff at the lead inundated East Chicago Superfund site, Gold King Mine, San Jacinto Waste Pits and other polluted sites because this EPA is about achieving results." EPA spokesman Jahan Wilcox
> > > >
> > > > Sent from my iPhone
> > > >
> > > > On Nov 17, 2017, at 10:15 AM, Alexander Nazaryan <a.nazaryan@newsweek.com> wrote:
> > > >
> > > > > Enjoyed the Administrator's interview with the Washington Post. Could we set something similar up for Newsweek?
> > > > >
> > > > > On Thu, Nov 16, 2017 at 3:28 PM, Wilcox, Jahan

<wilcox.jahan@epa.gov> wrote:

We sent you an on-the-record statement in October and we will send you this on-the-record statement as well.

On-The-Record Statement … **"Administrator Pruitt has met with staff from every region and took the unprecedented step of meeting with EPA's criminal investigators – a department that Obama slashed by 24 percent – about how we can work together to protect the environment and American jobs."** – EPA spokesman, Jahan Wilcox

On-The-Record Statement … **"We have a great working relationship with career EPA employees. In their own words, Mr. Cox said was planning his retirement before the new administration and Ms. Southerland said she was retiring due to a family issue. Despite the faux outrage, both employees will receive their six-figure taxpayer funded pension and we wish them the best."** – EPA spokesman, Jahan Wilcox

BACKGROUND RESEARCH …

According to career EPA employee Joel Scheraga, he has a great working relationship with EPA employees. "Staff from the EPA's disbanded climate adaptation office are still doing the same work despite moving to different offices a few months ago, the head of the team told POLITICO. An EPA reorganization finalized last week revealed that the agency followed through with a plan set in in the spring to reassign four climate change adaptation employees to two different sections of the Office of Policy, which is run by Samantha Dravis, a longtime political strategist and top aide to Administrator Scott Pruitt. 'Unequivocally, the Office of Policy continues to support work on climate adaptation,' said Joel Scheraga, a veteran EPA employee and the agency's senior adviser for climate adaptation. 'Samantha Dravis has asked me to continue working on climate adaptation issues. The bottom line is that climate adaptation work continues.' … Scheraga said the agency wants to help make sure that as communities "invest literally billions of dollars in new [water]

systems that they in fact are better prepared for these extreme weather events so that they don't overflow so that they don't spill raw sewage into our lakes and streams," for example. 'We work with the communities to provide them with the information and the tools that they have told us they need to address their needs,' Scheraga said. 'They have told us they need to deal with these more intense precipitation events, these storm surges, so that in fact they can continue to protect public health and the environment, again consistent with EPA's mission to ensure that they continue to protect water quality and can provide safe drinking water.' (Politico Pro, 09/11/17)

Michael Cox said his retirement was planned before Administrator Pruitt was nominated and confirmed by the Senate. "Cox said his own retirement had been long planned even before Trump's election, and that he's not aware of any big exodus of EPA staff from the Seattle office." (Seattle Times, 04/12/17)

In an email to an EPA colleague, Betsy Southland said she retired because she found out that she needed to help out with family medical care. "Maybe you did not receive my email about my retirement, but I sent it to you in June as soon as I found out I needed to retire to help out with family medical care." (NTK Network, Email Obtained By FOIA, 07/26/17)

Have a good day Alexander and we look forward to reading your story.

Best,

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: 202.309.0934
Work Email: wilcox.jahan@epa.gov

From: Alexander Nazaryan [mailto:a.nazaryan@newsweek.com]
Sent: Wednesday, November 15, 2017 9:08 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>

Subject:

Hi Jahan, I just want to make sure my requests are being taken seriously. That wasn't the impression I got when we spoke today.

--

Alexander Nazaryan
Senior Writer, National Affairs
Newsweek

--
Alexander Nazaryan
Senior Writer
Newsweek

www.newsweek.com/authors/alex-nazaryan

--
Alexander Nazaryan
Senior Writer, National Affairs
Newsweek

--
Alexander Nazaryan
Senior Writer
Newsweek

www.newsweek.com/authors/alex-nazaryan

--
Alexander Nazaryan
Senior Writer, National Affairs
Newsweek

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Alexander Nazaryan
Sent: Fri 12/1/2017 4:15:06 PM
Subject: Re:

Fine, but how about an interview with him? I know you think I am writing a hit piece, but I am not. I wouldn't need an interview for that. I wouldn't have spoken to people in Oklahoma who say he is the best person they've ever worked for.

On Fri, Dec 1, 2017 at 8:13 AM Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

> One more response you can use about your office ?
>
> "Rather than getting in the weeds about process, Administrator Pruitt is meeting with top career staff at the lead inundated East Chicago Superfund site, Gold King Mine, San Jacinto Waste Pits and other polluted sites because this EPA is about achieving results." EPA spokesman Jahan Wilcox
>
> Sent from my iPhone
>
> On Nov 17, 2017, at 10:15 AM, Alexander Nazaryan <a.nazaryan@newsweek.com> wrote:
>
>> Enjoyed the Administrator's interview with the Washington Post. Could we set something similar up for Newsweek?
>>
>> On Thu, Nov 16, 2017 at 3:28 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:
>>
>>> We sent you an on-the-record statement in October and we will send you this on-the-record statement as well.
>>>
>>> On-The-Record Statement … **"Administrator Pruitt has met with staff from every region and took the unprecedented step of meeting with EPA's criminal investigators – a department that Obama slashed by 24 percent – about how we can work together to protect the environment and American jobs."** – EPA spokesman, Jahan Wilcox
>>>
>>> On-The-Record Statement … **"We have a great working relationship with career EPA employees. In their own words, Mr. Cox said was planning his retirement before the new administration and Ms. Southerland said she was retiring due to a family issue. Despite the faux outrage, both employees will receive their six-figure taxpayer funded pension and we wish them the best."** – EPA spokesman, Jahan Wilcox

BACKGROUND RESEARCH …

According to career EPA employee Joel Scheraga, he has a great working relationship with EPA employees. "Staff from the EPA's disbanded climate adaptation office are still doing the same work despite moving to different offices a few months ago, the head of the team told POLITICO. An EPA reorganization finalized last week revealed that the agency followed through with a plan set in in the spring to reassign four climate change adaptation employees to two different sections of the Office of Policy, which is run by Samantha Dravis, a longtime political strategist and top aide to Administrator Scott Pruitt. 'Unequivocally, the Office of Policy continues to support work on climate adaptation,' said Joel Scheraga, a veteran EPA employee and the agency's senior adviser for climate adaptation. 'Samantha Dravis has asked me to continue working on climate adaptation issues. The bottom line is that climate adaptation work continues.' … Scheraga said the agency wants to help make sure that as communities "invest literally billions of dollars in new [water] systems that they in fact are better prepared for these extreme weather events so that they don't overflow so that they don't spill raw sewage into our lakes and streams," for example. 'We work with the communities to provide them with the information and the tools that they have told us they need to address their needs,' Scheraga said. 'They have told us they need to deal with these more intense precipitation events, these storm surges, so that in fact they can continue to protect public health and the environment, again consistent with EPA's mission to ensure that they continue to protect water quality and can provide safe drinking water.' (Politico Pro, 09/11/17)

Michael Cox said his retirement was planned before Administrator Pruitt was nominated and confirmed by the Senate. "Cox said his own retirement had been long planned even before Trump's election, and that he's not aware of any big exodus of EPA staff from the Seattle office." (Seattle Times, 04/12/17)

In an email to an EPA colleague, Betsy Southland said she retired because she found out that she needed to help out with family medical care. "Maybe you did not receive my email about my retirement, but I sent it to you in June as soon as I found out I needed to retire to help out with family medical care." (NTK Network, Email Obtained By FOIA, 07/26/17)

Have a good day Alexander and we look forward to reading your story.

Best,

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: 202.309.0934
Work Email: wilcox.jahan@epa.gov

From: Alexander Nazaryan [mailto:a.nazaryan@newsweek.com]
Sent: Wednesday, November 15, 2017 9:08 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject:

Hi Jahan, I just want to make sure my requests are being taken seriously. That wasn't the impression I got when we spoke today.

--

Alexander Nazaryan
Senior Writer, National Affairs
Newsweek

--
Alexander Nazaryan
Senior Writer
Newsweek

www.newsweek.com/authors/alex-nazaryan

--
Alexander Nazaryan
Senior Writer, National Affairs
Newsweek

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Elizabeth Harrington
Sent: Mon 7/31/2017 7:01:59 PM
Subject: Re: Hey Liz

Did she just come up eligible for retirement? Not eligible in May when Trump released the budget?

On Mon, Jul 31, 2017 at 2:37 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Earlier this spring, there was an EPA employee who was eligible for retirement and claimed he was quitting because of Trump and his proposed budget, when in reality he was just retiring because he was eligible for his pension. Of course the liberal Washington Post and other outlets jumped on the news.

•□□□□□□□□ **The Washington Post: EPA staffer leaves with a bang, blasting agency policies under Trump – April 7, 2015**
https://www.washingtonpost.com/news/powerpost/wp/2017/04/07/epa-staffer-leaves-with-a-bang-blasting-agency-policies-under-trump/?utm_term=.bf260e6e228a

Well another employee is doing the same thing and she's claiming that due to President Trump's proposed budget she is quitting, but it's widely known that presidential budgets – no matter what party you are from – never get rubberstamped by Congress. Below is the WaPo inquiry along with along with why the employee is claiming to retire.

Additionally, would also point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Curious if you would be interested in writing about this, because the left and environmentalists will make a big deal out of nothing.

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000.

(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

The White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Senate Majority Leader Mitch McConnell has said that he expects Congress to ignore the budget. "Senate Republican Leader Mitch McConnell has already said he expects the Republican-led Congress to largely ignore the proposal, saying in an interview last week with Bloomberg News that early versions reflected priorities that "aren't necessarily ours." (Bloomberg, 05/22/17)

Senator Lindsey Graham said presidential budgets do not fare well. "Historically, presidential budgets do not fare well with Congress," said Sen. Lindsey Graham, R-S.C. (McClatchy, 03/16/17)

Senate Appropriations Committee Member John Hoevan said this budget is a starting point. "'The budget's a starting point. We'll go to work from there,' said Sen. John Hoeven, R-N.D., a member of the Senate Appropriations Committee." (The Associated Press, 05/22/17)

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Davidson, Joe" <joe.davidson@washpost.com>
Date: July 31, 2017 at 12:55:28 PM EDT
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure

comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

--

Elizabeth Harrington
Staff Writer
Washington Free Beacon
202-770-3795

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Elizabeth Harrington
Sent: Mon 7/31/2017 6:41:56 PM
Subject: Re: Hey Liz

Hey, yes definitely

--

Elizabeth Harrington
Staff Writer
Washington Free Beacon

On Jul 31, 2017 2:37 PM, "Wilcox, Jahan" <wilcox.jahan@epa.gov> wrote:

Earlier this spring, there was an EPA employee who was eligible for retirement and claimed he was quitting because of Trump and his proposed budget, when in reality he was just retiring because he was eligible for his pension. Of course the liberal Washington Post and other outlets jumped on the news.

•□□□□□□□□ **The Washington Post: EPA staffer leaves with a bang, blasting agency policies under Trump – April 7, 2015**
https://www.washingtonpost.com/news/powerpost/wp/2017/04/07/epa-staffer-leaves-with-a-bang-blasting-agency-policies-under-trump/?utm_term=.bf260e6e228a

Well another employee is doing the same thing and she's claiming that due to President Trump's proposed budget she is quitting, but it's widely known that presidential budgets – no matter what party you are from – never get rubberstamped by Congress. Below is the WaPo inquiry along with along with why the employee is claiming to retire.

Additionally, would also point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Curious if you would be interested in writing about this, because the left and environmentalists will make a big deal out of nothing.

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

The White House's Budget no matter who is in power has become

increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Senate Majority Leader Mitch McConnell has said that he expects Congress to ignore the budget. "Senate Republican Leader Mitch McConnell has already said he expects the Republican-led Congress to largely ignore the proposal, saying in an interview last week with Bloomberg News that early versions reflected priorities that "aren't necessarily ours." (Bloomberg, 05/22/17)

Senator Lindsey Graham said presidential budgets do not fare well. "Historically, presidential budgets do not fare well with Congress," said Sen. Lindsey Graham, R-S.C. (McClatchy, 03/16/17)

Senate Appropriations Committee Member John Hoevan said this budget is a starting point. "'The budget's a starting point. We'll go to work from there,' said Sen. John Hoeven, R-N.D., a member of the Senate Appropriations Committee." (The Associated Press, 05/22/17)

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Davidson, Joe" <joe.davidson@washpost.com>
Date: July 31, 2017 at 12:55:28 PM EDT
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Halper, Evan
Sent: Tue 9/26/2017 8:04:38 PM
Subject: RE: Here you go - let me know what else you need

Posted today: http://www.latimes.com/politics/la-na-pol-trump-civil-servants-201709-story.html

From: Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
Sent: Tuesday, September 26, 2017 4:04 PM
To: Halper, Evan
Subject: RE: Here you go - let me know what else you need

When does or did your story run?

From: Halper, Evan [mailto:Evan.Halper@latimes.com]
Sent: Friday, September 22, 2017 11:30 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Here you go - let me know what else you need

got it. thanks,

From: Wilcox, Jahan <wilcox.jahan@epa.gov>
Sent: Friday, September 22, 2017 11:29:47 AM
To: Halper, Evan
Subject: Re: Here you go - let me know what else you need

I have a minor typo -- should say Mr. Cox said he ...

On Sep 21, 2017, at 11:40 AM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

> **On-The-Record Statement … "We have a great working relationship with career EPA employees. In their own words, Mr. Cox said was planning his retirement before the new administration and Ms. Southland said she was**

retiring due to a family issue. Despite the faux outrage, both employees will receive their six-figure taxpayer funded pension and we wish them the best." – EPA spokesman, Jahan Wilcox

Background Without Attribution – As Everything Below Is In The Public Domain …

According to career EPA employee Joel Scheraga, he has a great working relationship with EPA employees. "Staff from the EPA's disbanded climate adaptation office are still doing the same work despite moving to different offices a few months ago, the head of the team told POLITICO. An EPA reorganization finalized last week revealed that the agency followed through with a plan set in in the spring to reassign four climate change adaptation employees to two different sections of the Office of Policy, which is run by Samantha Dravis, a longtime political strategist and top aide to Administrator Scott Pruitt. 'Unequivocally, the Office of Policy continues to support work on climate adaptation,' said Joel Scheraga, a veteran EPA employee and the agency's senior adviser for climate adaptation. 'Samantha Dravis has asked me to continue working on climate adaptation issues. The bottom line is that climate adaptation work continues.' … Scheraga said the agency wants to help make sure that as communities "invest literally billions of dollars in new [water] systems that they in fact are better prepared for these extreme weather events so that they don't overflow so that they don't spill raw sewage into our lakes and streams," for example. 'We work with the communities to provide them with the information and the tools that they have told us they need to address their needs,' Scheraga said. 'They have told us they need to deal with these more intense precipitation events, these storm surges, so that in fact they can continue to protect public health and the environment, again consistent with EPA's mission to ensure that they continue to protect water quality and can provide safe drinking water.' (Politico Pro, 09/11/17)

Michael Cox said his retirement was planned before Administrator Pruitt was nominated and confirmed by the Senate. "Cox said his own retirement had been long planned even before Trump's election, and that he's not aware of any big exodus of EPA staff from the Seattle office." (Seattle Times, 04/12/17)

In an email to an EPA colleague, Betsy Southland said she retired because she found out that she needed to help out with family medical care. "Maybe you did not receive my email about my retirement, but I sent it to you in June as soon as I found out I needed to retire to help out with family medical care." (NTK Network, Email Obtained By FOIA, 07/26/17)

Betsy Southerland questioned Pruitt's decision to partner with states to protect the environment. "Southerland questioned Pruitt's belief that the EPA and federal environmental standards were guilty of 'running roughshod over states' rights.'" (The Huffington Post, 08/02/17)

Governor Dayton (DFL-MN) praised Administrator Pruitt for working with the states and even said he didn't want the regional EPA offices micromanaging his state. "Gov. Mark Dayton described a meeting Wednesday with EPA Administrator Scott Pruitt as 'productive and cordial' and said he's hopeful the Trump administration will eliminate some of the federal government red tape dealt to state agencies. 'We don't believe we need to be micromanaged by Region 5 in Chicago,' Dayton said during a news conference following a meeting at the Capitol that lasted more than an hour." (Minnesota Public Radio, 07/19/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

The White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Senate Majority Leader Mitch McConnell has said that he expects Congress to ignore the budget. "Senate Republican Leader Mitch McConnell has already said he expects the Republican-led Congress to largely ignore the proposal, saying in an interview last week with Bloomberg News that early versions reflected priorities that "aren't necessarily ours." (Bloomberg, 05/22/17)

In 2016, Elizabeth Southerland made $249,000. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

From: Halper, Evan [mailto:Evan.Halper@latimes.com]
Sent: Thursday, September 21, 2017 9:35 AM
To: Press <Press@epa.gov>
Subject: LA Times questions -- civil service

Good morning:

I am reaching out for comment from the agency for a story about the civil service under the Trump administration. Does the EPA have a response to the concerns raised by recently departed employees such as Betsy Southerland and Michael Cox – and echoed by advocacy groups and lawmakers -- that it is sidelining its own scientific research and scientists in pursuit of the Trump political agenda? Has its approach to taking input from career staff changed with this administration?

You can reach me at 916.201.6398 if you would prefer to discuss in an interview. My deadline is 3:30 p.m. today. Thanks very much for your attention to this.

Best,

Evan Halper

National Reporter

Los Angeles Times

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Halper, Evan
Sent: Fri 9/22/2017 3:30:13 PM
Subject: Re: Here you go - let me know what else you need

got it. thanks,

From: Wilcox, Jahan <wilcox.jahan@epa.gov>
Sent: Friday, September 22, 2017 11:29:47 AM
To: Halper, Evan
Subject: Re: Here you go - let me know what else you need

I have a minor typo -- should say Mr. Cox said he ...

On Sep 21, 2017, at 11:40 AM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

On-The-Record Statement … "We have a great working relationship with career EPA employees. In their own words, Mr. Cox said was planning his retirement before the new administration and Ms. Southland said she was retiring due to a family issue. Despite the faux outrage, both employees will receive their six-figure taxpayer funded pension and we wish them the best." – EPA spokesman, Jahan Wilcox

Background Without Attribution – As Everything Below Is In The Public Domain …

According to career EPA employee Joel Scheraga, he has a great working relationship with EPA employees. "Staff from the EPA's disbanded climate adaptation office are still doing the same work despite moving to different offices a few months ago, the head of the team told POLITICO. An EPA reorganization finalized last week revealed that the agency followed through with a plan set in in the spring to reassign four climate change adaptation employees to two different sections of the Office of Policy, which is run by Samantha Dravis, a longtime political strategist and top aide to Administrator Scott Pruitt. 'Unequivocally, the Office of Policy continues to support work on climate adaptation,' said Joel Scheraga, a veteran EPA employee and the agency's senior adviser for climate adaptation. 'Samantha Dravis has asked me to continue working on climate adaptation issues. The bottom line is that climate adaptation work continues.' … Scheraga said the agency wants to help make sure that as communities "invest literally billions of dollars in new [water] systems that they in fact are better prepared for these extreme weather events so that they don't overflow so that they don't spill raw sewage into our lakes and streams," for example. 'We work with the communities to provide them with the information and the tools that they have told

us they need to address their needs,' Scheraga said. 'They have told us they need to deal with these more intense precipitation events, these storm surges, so that in fact they can continue to protect public health and the environment, again consistent with EPA's mission to ensure that they continue to protect water quality and can provide safe drinking water.' (Politico Pro, 09/11/17)

Michael Cox said his retirement was planned before Administrator Pruitt was nominated and confirmed by the Senate. "Cox said his own retirement had been long planned even before Trump's election, and that he's not aware of any big exodus of EPA staff from the Seattle office." (Seattle Times, 04/12/17)

In an email to an EPA colleague, Betsy Southland said she retired because she found out that she needed to help out with family medical care. "Maybe you did not receive my email about my retirement, but I sent it to you in June as soon as I found out I needed to retire to help out with family medical care." (NTK Network, Email Obtained By FOIA, 07/26/17)

Betsy Southerland questioned Pruitt's decision to partner with states to protect the environment. "Southerland questioned Pruitt's belief that the EPA and federal environmental standards were guilty of 'running roughshod over states' rights.'" (The Huffington Post, 08/02/17)

Governor Dayton (DFL-MN) praised Administrator Pruitt for working with the states and even said he didn't want the regional EPA offices micromanaging his state. "Gov. Mark Dayton described a meeting Wednesday with EPA Administrator Scott Pruitt as 'productive and cordial' and said he's hopeful the Trump administration will eliminate some of the federal government red tape dealt to state agencies. 'We don't believe we need to be micromanaged by Region 5 in Chicago,' Dayton said during a news conference following a meeting at the Capitol that lasted more than an hour." (Minnesota Public Radio, 07/19/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

The White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Senate Majority Leader Mitch McConnell has said that he expects Congress to ignore the budget. "Senate Republican Leader Mitch McConnell has already said he expects the Republican-led Congress to largely ignore the proposal, saying in an interview last week with Bloomberg News that early versions reflected priorities that "aren't necessarily ours." (Bloomberg, 05/22/17)

In 2016, Elizabeth Southerland made $249,000.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

From: Halper, Evan [mailto:Evan.Halper@latimes.com]
Sent: Thursday, September 21, 2017 9:35 AM
To: Press <Press@epa.gov>
Subject: LA Times questions -- civil service

Good morning:

I am reaching out for comment from the agency for a story about the civil service under the Trump administration. Does the EPA have a response to the concerns raised by recently departed employees such as Betsy Southerland and Michael Cox – and echoed by advocacy groups and lawmakers -- that it is sidelining its own scientific research and scientists in pursuit of the Trump political agenda? Has its approach to taking input from career staff changed with this administration?

You can reach me at 916.201.6398 if you would prefer to discuss in an interview. My deadline is 3:30 p.m. today. Thanks very much for your attention to this.

Best,

Evan Halper

National Reporter

Los Angeles Times

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Kim Strassel
Sent: Fri 8/4/2017 8:07:31 PM
Subject: Re: Hey Kim

I would love to! Thanks for bringing this to my attention. Can we talk Monday?

On Aug 4, 2017, at 12:03 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

My name is Jahan Wilcox and I am at the EPA for Administrator Pruitt.

Off-the-record, this week an EPA Employee decided to retire, but rather than leaving like a normal employee, she decided to put out a scathing memo to get attention for herself and to throw stones at President Trump, Administrator Pruitt and her old employer the EPA. She claims that she is retiring due to the President's budget but history has shown that Congress never rubberstamps the President's budget. All Southerland is doing is copying her former EPA colleague Mike Cox who too resigned due to Trump and claimed he was quitting because President Trump came to the EPA. What Mike didn't say is his office is in Seattle and the President came to HQ and he too qualified for a six-figure pension.

•□□□□□□□□ **Betsy Southerland: EPA won't be able to do the 'right thing' under Trump, says latest protesting official** (The Washington Post, August 01, 2017)

•□□□□□□□□ **Mike Cox: EPA staffer leaves with a bang, blasting agency policies under Trump** (The Washington Post, April 7, 2017)

Additionally, this employee (Betsy Southerland) made $249,000 last year -- which puts her $1,000 short of what Supreme Court Justices, $30,000 more than the Vice President make, roughly $70,000 more than what Senators make and about $200,000 more than what the average taxpayer makes. On top of that, for the rest of her life she will collect a six-figure government pension -- as your pension is 75 percent of the average salary you made for the last three years in the government.

It's always worth noting that if she really cared about protecting the environment should would pass on her pension, which is in addition to her TSP Retirement Plan where the government matches up to 5 percent of your salary: https://www.tsp.gov/PlanParticipation/EligibilityAndContributions/typesOfContributions.html.

Curious if you would be interested in doing a column about a government employees (specifically rouge EPA employees) who are retiring because they are eligible for their six-figure lifetime government pension, but are attacking Trump and Pruitt because they are bitter about an election where the American people picked Donald Trump to be our next President.

If you could let me know that would be appreciated.

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: 202.309.0934
Work Email: wilcox.jahan@epa.gov

OFF-THE-RECORD RESEARCH THAT IS IN THE PUBLIC DOMAIN …

ELIZABETH SOUTHERLAND'S EPA COMPENSATION …

In 2016, Elizabeth Southerland made $249,000. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

SALARY OF ELECTED OFFICIALS …

2017: Vice President of the United States: $230,700 (https://www.thoughtco.com/top-us-government-officials-annual-salaries-3321465, Accessed 08/04/17)

2017: Rank-and-File Senators and Representatives: $174,000 (https://www.thoughtco.com/top-us-government-officials-annual-salaries-3321465,

Accessed 08/04/17)

2017: Speaker of the House: $223,500 (https://www.thoughtco.com/top-us-government-officials-annual-salaries-3321465, Accessed 08/04/17)

2017: Chief Justice of the United States: $263,300 (https://www.thoughtco.com/top-us-government-officials-annual-salaries-3321465, Accessed 08/04/17)

2017: Associate Justices of the Supreme Court: $251,800 (https://www.thoughtco.com/top-us-government-officials-annual-salaries-3321465, Accessed 08/04/17)

SALARY OF THE AVERAGE AMERICAN …

In 2015, the Census Bureau estimated real median household income at $55,775 in 2015. (Census Bureau, Accessed 08/04/17)

HISTORY OF THE PRESIDENT'S BUDGET …

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

The White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Senate Majority Leader Mitch McConnell has said that he expects Congress to ignore the budget. "Senate Republican Leader Mitch McConnell has already said he expects the Republican-led Congress to largely ignore the proposal, saying in an interview last week with Bloomberg News that early versions reflected priorities that "aren't necessarily ours." (Bloomberg, 05/22/17)

Senator Lindsey Graham said presidential budgets do not fare well. "Historically, presidential budgets do not fare well with Congress," said Sen. Lindsey Graham, R-S.C. (McClatchy, 03/16/17)

Senate Appropriations Committee Member John Hoevan said this budget is a starting point. "'The budget's a starting point. We'll go to work from there,' said Sen. John Hoeven, R-N.D., a member of the Senate Appropriations Committee." (The Associated Press, 05/22/17)

To: Bowman, Liz[Bowman.Liz@epa.gov]
Cc: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: John Siciliano
Sent: Thur 8/3/2017 2:47:45 PM
Subject: Re: Flint Article

Do you have a statement on the cancellation of the ozone delay?

On Tue, Aug 1, 2017 at 5:25 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Also for comparison: https://www.thoughtco.com/top-us-government-officials-annual-salaries-3321465 and according to the federal pay site Jahan sites below, she is one of the highest paid EPA employees – especially relevant compared to the average American salary in the U.S. of about 50K.

From: Wilcox, Jahan
Sent: Tuesday, August 1, 2017 4:54 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; John Siciliano <jsiciliano@washingtonexaminer.com>
Subject: RE: Flint Article

Would point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Here is our statement …

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

From: Bowman, Liz
Sent: Tuesday, August 1, 2017 4:52 PM
To: John Siciliano <jsiciliano@washingtonexaminer.com>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE: Flint Article

Jahan has been responding to those; looping him in.

From: John Siciliano [mailto:jsiciliano@washingtonexaminer.com]
Sent: Tuesday, August 1, 2017 4:50 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Re: Flint Article

Do you have a response to this EPA official's resignation?

On Tue, Aug 1, 2017 at 4:49 PM, John Siciliano <jsiciliano@washingtonexaminer.com> wrote:

I'll look at it.

On Tue, Aug 1, 2017 at 4:31 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Hi John – EPA is not forgiving Flint's debt – Michigan is forgiving it. EPA concurred that it was the right thing to do.

Liz Bowman

U.S. Environmental Protection Agency (EPA)

Office: 202-564-3293

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Jeff Bechdel
Sent: Wed 8/2/2017 4:58:06 PM
Subject: Re: Hey Jeff

Hey Jahan, thanks for flagging this. NTK put up this story today: http://ntknetwork.com/retiring-epa-official-uses-fy18-budget-as-excuse-for-departure/

On Mon, Jul 31, 2017 at 2:43 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Earlier this spring, there was an EPA employee who was eligible for retirement and claimed he was quitting because of Trump and his proposed budget, when in reality he was just retiring because he was eligible for his pension. Of course the liberal Washington Post and other outlets jumped on the news.

•□□□□□□□□ **The Washington Post: EPA staffer leaves with a bang, blasting agency policies under Trump – April 7, 2015**
https://www.washingtonpost.com/news/powerpost/wp/2017/04/07/epa-staffer-leaves-with-a-bang-blasting-agency-policies-under-trump/?utm_term=.bf260e6e228a

Well another employee is doing the same thing and she's claiming that due to President Trump's proposed budget she is quitting, but it's widely known that presidential budgets – no matter what party you are from – never get rubberstamped by Congress. Below is the WaPo inquiry along with along with why the employee is claiming to retire.

Additionally, would also point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Curious if you would be interested in writing about this, because the left and environmentalists will make a big deal out of nothing.

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000.
(https://www.federalpay.org/employees/environmental-protection-

agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

The White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget

suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Senate Majority Leader Mitch McConnell has said that he expects Congress to ignore the budget. "Senate Republican Leader Mitch McConnell has already said he expects the Republican-led Congress to largely ignore the proposal, saying in an interview last week with Bloomberg News that early versions reflected priorities that "aren't necessarily ours." (Bloomberg, 05/22/17)

Senator Lindsey Graham said presidential budgets do not fare well. "Historically, presidential budgets do not fare well with Congress," said Sen. Lindsey Graham, R-S.C. (McClatchy, 03/16/17)

Senate Appropriations Committee Member John Hoevan said this budget is a starting point. "'The budget's a starting point. We'll go to work from there,' said Sen. John Hoeven, R-N.D., a member of the Senate Appropriations Committee." (The Associated Press, 05/22/17)

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Davidson, Joe" <joe.davidson@washpost.com>
Date: July 31, 2017 at 12:55:28 PM EDT
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

--
Jeff Bechdel
NTK Network
jbechdel@ntknetwork.com

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Michael Bastasch
Sent: Tue 8/1/2017 9:56:56 PM
Subject: Re: Hey Michael -

thanks

On Tue, Aug 1, 2017 at 5:54 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Typo but it's accurate.

From: Michael Bastasch [mailto:mike@dailycallernewsfoundation.org]
Sent: Tuesday, August 1, 2017 5:52 PM

To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Hey Michael -

Also, the federal pay database says Elizabeth Outherland. When I looked up Southerland, I couldn't find anything. You know what's up?

On Tue, Aug 1, 2017 at 5:49 PM, Michael Bastasch <mike@dailycallernewsfoundation.org> wrote:

Jesus. Thanks!

On Tue, Aug 1, 2017 at 5:48 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Off-the-record, I do not. It's a formula based on how many years you in the federal government and your top salary. If you serve 20 years, you leave with the average of your last three years for the rest of your life. I think it's safe to report that she will have a six-figure pension and made $1,000 less than the Vice President did last year – who has a salary of $250,000.

From: Michael Bastasch [mailto:mike@dailycallernewsfoundation.org]

Sent: Tuesday, August 1, 2017 5:45 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Hey Michael -

Hey Jahan,

Do we know what her pension will be? Also, do we know if she's signed up to receive one or something?

On Mon, Jul 31, 2017 at 2:55 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

> Earlier this spring, there was an EPA employee who was eligible for retirement and claimed he was quitting because of Trump and his proposed budget, when in reality he was just retiring because he was eligible for his pension. Of course the liberal Washington Post and other outlets jumped on the news.
>
> - **The Washington Post: EPA staffer leaves with a bang, blasting agency policies under Trump – April 7, 2015**
> https://www.washingtonpost.com/news/powerpost/wp/2017/04/07/epa-staffer-leaves-with-a-bang-blasting-agency-policies-under-trump/?utm_term=.bf260e6e228a
>
> Well another employee is doing the same thing and she's claiming that due to President Trump's proposed budget she is quitting, but it's widely known that presidential budgets – no matter what party you are from – never get rubberstamped by Congress. Below is the WaPo inquiry along with along with why the employee is claiming to retire.
>
> Additionally, would also point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.
>
> Curious if you would be interested in writing about this, because the left and environmentalists will make a big deal out of nothing.

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy,

03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

In 2016, Forbes said that the White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Davidson, Joe" <joe.davidson@washpost.com>
Date: July 31, 2017 at 12:55:28 PM EDT
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in

EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

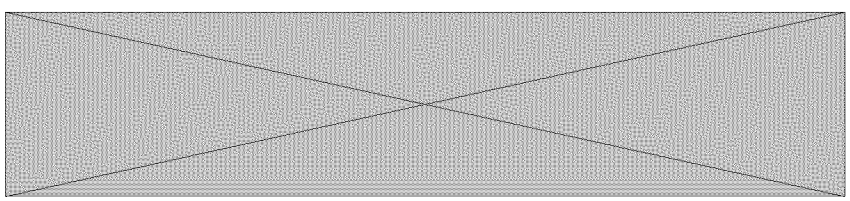
Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

--

Michael Bastasch

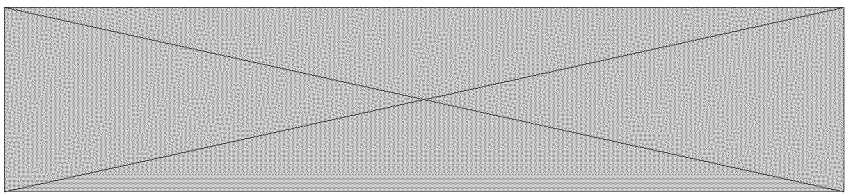
Daily Caller News Foundation



--

Michael Bastasch

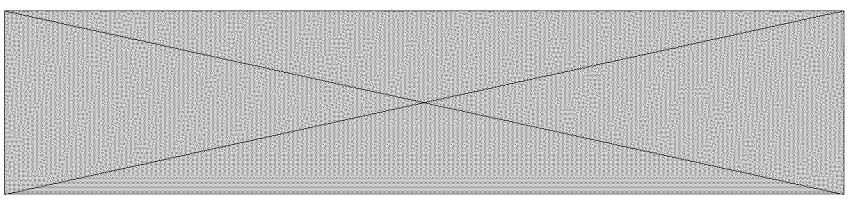
Daily Caller News Foundation



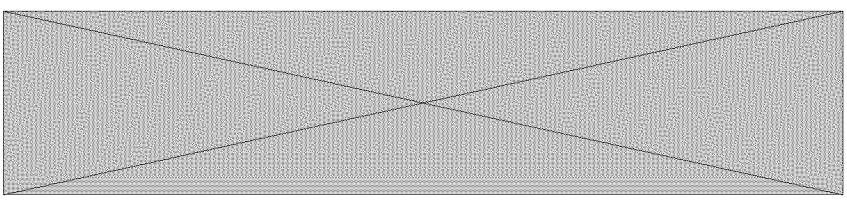
--

Michael Bastasch

Daily Caller News Foundation



--
Michael Bastasch
Daily Caller News Foundation



To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Michael Bastasch
Sent: Tue 8/1/2017 9:51:36 PM
Subject: Re: Hey Michael -

Also, the federal pay database says Elizabeth Outherland. When I looked up Southerland, I couldn't find anything. You know what's up?

On Tue, Aug 1, 2017 at 5:49 PM, Michael Bastasch <mike@dailycallernewsfoundation.org> wrote:

Jesus. Thanks!

On Tue, Aug 1, 2017 at 5:48 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Off-the-record, I do not. It's a formula based on how many years you in the federal government and your top salary. If you serve 20 years, you leave with the average of your last three years for the rest of your life. I think it's safe to report that she will have a six-figure pension and made $1,000 less than the Vice President did last year – who has a salary of $250,000.

From: Michael Bastasch [mailto:mike@dailycallernewsfoundation.org]
Sent: Tuesday, August 1, 2017 5:45 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Hey Michael -

Hey Jahan,

Do we know what her pension will be? Also, do we know if she's signed up to receive one or something?

On Mon, Jul 31, 2017 at 2:55 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Earlier this spring, there was an EPA employee who was eligible for retirement and claimed he was quitting because of Trump and his proposed budget, when in reality he was just retiring because he was eligible for his pension. Of course the liberal Washington Post and other outlets jumped on the news.

- **The Washington Post: EPA staffer leaves with a bang, blasting agency policies under Trump – April 7, 2015**
https://www.washingtonpost.com/news/powerpost/wp/2017/04/07/epa-staffer-leaves-with-a-bang-blasting-agency-policies-under-trump/?utm_term=.bf260e6e228a

Well another employee is doing the same thing and she's claiming that due to President Trump's proposed budget she is quitting, but it's widely known that presidential budgets – no matter what party you are from – never get rubberstamped by Congress. Below is the WaPo inquiry along with along with why the employee is claiming to retire.

Additionally, would also point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Curious if you would be interested in writing about this, because the left and environmentalists will make a big deal out of nothing.

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

In 2016, Forbes said that the White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Davidson, Joe" <joe.davidson@washpost.com>
Date: July 31, 2017 at 12:55:28 PM EDT
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

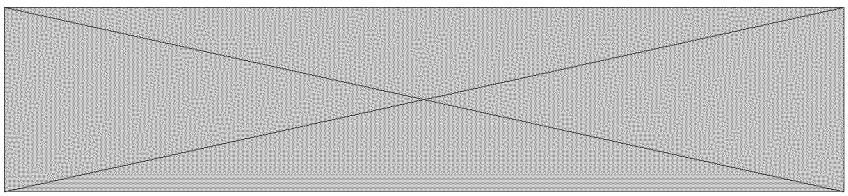
Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

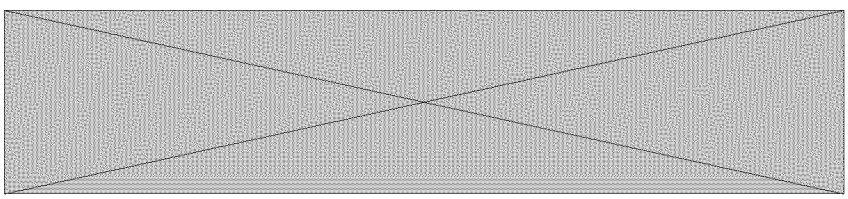
--

Michael Bastasch

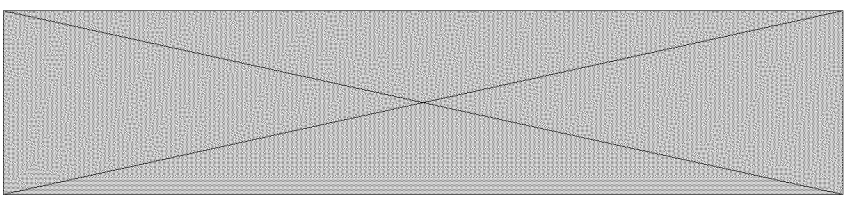
Daily Caller News Foundation



--
Michael Bastasch
Daily Caller News Foundation



--
Michael Bastasch
Daily Caller News Foundation



To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Michael Bastasch
Sent: Tue 8/1/2017 9:49:04 PM
Subject: Re: Hey Michael -

Jesus. Thanks!

On Tue, Aug 1, 2017 at 5:48 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Off-the-record, I do not. It's a formula based on how many years you in the federal government and your top salary. If you serve 20 years, you leave with the average of your last three years for the rest of your life. I think it's safe to report that she will have a six-figure pension and made $1,000 less than the Vice President did last year – who has a salary of $250,000.

From: Michael Bastasch [mailto:mike@dailycallernewsfoundation.org]
Sent: Tuesday, August 1, 2017 5:45 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Hey Michael -

Hey Jahan,

Do we know what her pension will be? Also, do we know if she's signed up to receive one or something?

On Mon, Jul 31, 2017 at 2:55 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Earlier this spring, there was an EPA employee who was eligible for retirement and claimed he was quitting because of Trump and his proposed budget, when in reality he was just retiring because he was eligible for his pension. Of course the liberal Washington Post and other outlets jumped on the news.

- **The Washington Post: EPA staffer leaves with a bang, blasting agency policies under Trump – April 7, 2015**
https://www.washingtonpost.com/news/powerpost/wp/2017/04/07/epa-staffer-leaves-with-a-bang-blasting-agency-policies-under-trump/?utm_term=.bf260e6e228a

Well another employee is doing the same thing and she's claiming that due to President Trump's proposed budget she is quitting, but it's widely known that presidential budgets – no matter what party you are from – never get rubberstamped by Congress. Below is the WaPo inquiry along with along with why the employee is claiming to retire.

Additionally, would also point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Curious if you would be interested in writing about this, because the left and environmentalists will make a big deal out of nothing.

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

In 2016, Forbes said that the White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Davidson, Joe" <joe.davidson@washpost.com>
Date: July 31, 2017 at 12:55:28 PM EDT
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

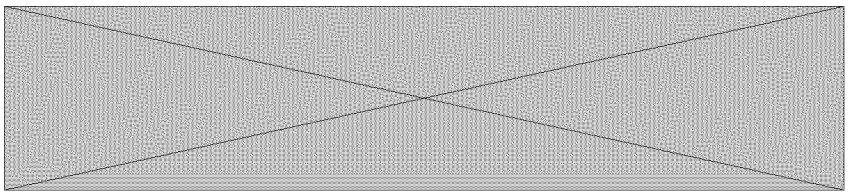
Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

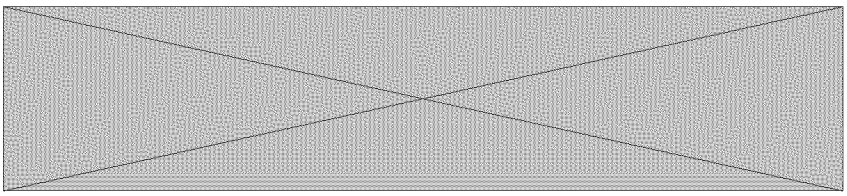
--

Michael Bastasch

Daily Caller News Foundation



--
Michael Bastasch
Daily Caller News Foundation



To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Michael Bastasch
Sent: Tue 8/1/2017 9:44:41 PM
Subject: Re: Hey Michael -

Hey Jahan,
Do we know what her pension will be? Also, do we know if she's signed up to receive one or something?

On Mon, Jul 31, 2017 at 2:55 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Earlier this spring, there was an EPA employee who was eligible for retirement and claimed he was quitting because of Trump and his proposed budget, when in reality he was just retiring because he was eligible for his pension. Of course the liberal Washington Post and other outlets jumped on the news.

•□□□□□□□□ **The Washington Post: EPA staffer leaves with a bang, blasting agency policies under Trump – April 7, 2015**
https://www.washingtonpost.com/news/powerpost/wp/2017/04/07/epa-staffer-leaves-with-a-bang-blasting-agency-policies-under-trump/?utm_term=.bf260e6e228a

Well another employee is doing the same thing and she's claiming that due to President Trump's proposed budget she is quitting, but it's widely known that presidential budgets – no matter what party you are from – never get rubberstamped by Congress. Below is the WaPo inquiry along with along with why the employee is claiming to retire.

Additionally, would also point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Curious if you would be interested in writing about this, because the left and environmentalists will make a big deal out of nothing.

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000.

(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

In 2016, Forbes said that the White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Davidson, Joe" <joe.davidson@washpost.com>
Date: July 31, 2017 at 12:55:28 PM EDT
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government

abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

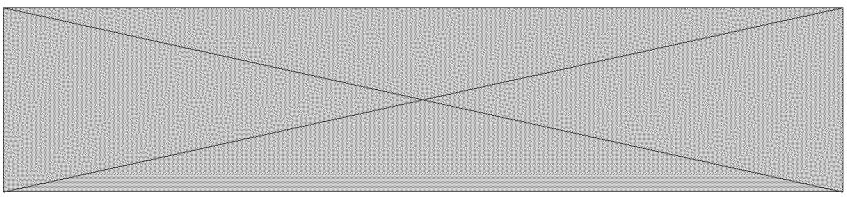
202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

--
Michael Bastasch
Daily Caller News Foundation



To: Wilcox, Jahan[wilcox.jahan@epa.gov]; John Siciliano[jsiciliano@washingtonexaminer.com]
From: Bowman, Liz
Sent: Tue 8/1/2017 9:25:17 PM
Subject: RE: Flint Article

Also for comparison: https://www.thoughtco.com/top-us-government-officials-annual-salaries-3321465 and according to the federal pay site Jahan sites below, she is one of the highest paid EPA employees – especially relevant compared to the average American salary in the U.S. of about 50K.

From: Wilcox, Jahan
Sent: Tuesday, August 1, 2017 4:54 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; John Siciliano <jsiciliano@washingtonexaminer.com>
Subject: RE: Flint Article

Would point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Here is our statement …

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

From: Bowman, Liz
Sent: Tuesday, August 1, 2017 4:52 PM
To: John Siciliano <jsiciliano@washingtonexaminer.com>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE: Flint Article

Jahan has been responding to those; looping him in.

From: John Siciliano [mailto:jsiciliano@washingtonexaminer.com]
Sent: Tuesday, August 1, 2017 4:50 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Re: Flint Article

Do you have a response to this EPA official's resignation?

On Tue, Aug 1, 2017 at 4:49 PM, John Siciliano <jsiciliano@washingtonexaminer.com> wrote:

I'll look at it.

On Tue, Aug 1, 2017 at 4:31 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Hi John – EPA is not forgiving Flint's debt – Michigan is forgiving it. EPA concurred

that it was the right thing to do.

Liz Bowman

U.S. Environmental Protection Agency (EPA)

Office: 202-564-3293

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Jacqueline Thomsen
Sent: Tue 8/1/2017 7:40:14 PM
Subject: Media request – Betsy Southerland resignation

Hi Jahan,
My name is Jacqueline Thomsen and I'm a reporter at The Hill newspaper, hope you're doing well.

I saw this press release from PEER about Betsy Southerland's resignation today and I wanted to see if the EPA had any comment on her leaving or the exit letter she released, where she criticized many of the agency's recent actions. We're working on getting a story up shortly, so please let me know, thanks.

Best,
Jacqueline

--
Jacqueline Thomsen
(781) 405-2801
@jacq_thomsen

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Annie Snider
Sent: Tue 8/1/2017 3:27:22 PM
Subject: RE: Comment on Southerland departing email?

Got it, thanks

From: Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
Sent: Tuesday, August 01, 2017 11:22 AM
To: Annie Snider <asnider@politico.com>
Subject: Re: Comment on Southerland departing email?

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made

$179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

Sent from my iPhone

On Aug 1, 2017, at 11:16 AM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Yes Annie I will get you our statement.

Sent from my iPhone

On Aug 1, 2017, at 11:14 AM, Annie Snider <asnider@politico.com> wrote:

> Hi all, We're doing a quick WB on the departing email from Betsy Southerland that PEER circulated. Do you have comment?

Annie Snider

Reporter

POLITICO

asnider@politico.com

703-672-2819 - desk

646-250-1943 - cell

@AnnElizabeth18

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Emily Jashinsky
Sent: Tue 8/1/2017 2:18:38 PM
Subject: Re: Hey Emily

Perfect. Thanks!

On Tue, Aug 1, 2017 at 10:17 AM Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

No timetable and we flagged for a few other folks too. The Post did this story this morning.

From: Emily Jashinsky [mailto:ejashinsky@washingtonexaminer.com]
Sent: Tuesday, August 1, 2017 9:51 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Hey Emily

Hey Jahan! I'm checking this out right now. Do you have a timetable?

On Mon, Jul 31, 2017 at 5:16 PM Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Earlier this spring, there was an EPA employee who was eligible for retirement and claimed he was quitting because of Trump and his proposed budget, when in reality he was just retiring because he was eligible for his pension. Of course the liberal Washington Post and other outlets jumped on the news.

- **The Washington Post: EPA staffer leaves with a bang, blasting agency policies under Trump – April 7, 2015**
https://www.washingtonpost.com/news/powerpost/wp/2017/04/07/epa-staffer-leaves-with-a-bang-blasting-agency-policies-under-trump/?utm_term=.bf260e6e228a

Well another employee is doing the same thing and she's claiming that due to President Trump's proposed budget she is quitting, but it's widely known that presidential budgets – no matter what party you are from – never get rubberstamped by Congress. Below is the WaPo inquiry along with along with why the employee is claiming to retire.

Additionally, would also point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Curious if you would be interested in writing about this, because the left and environmentalists will make a big deal out of nothing.

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of

the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

In 2016, Forbes said that the White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Davidson, Joe" <joe.davidson@washpost.com>
Date: July 31, 2017 at 12:55:28 PM EDT
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her

departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

--

Emily Jashinsky

Commentary Writer,

Washington Examiner

--
Emily Jashinsky
Commentary Writer,
Washington Examiner

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Emily Jashinsky
Sent: Tue 8/1/2017 1:50:41 PM
Subject: Re: Hey Emily

Hey Jahan! I'm checking this out right now. Do you have a timetable?

On Mon, Jul 31, 2017 at 5:16 PM Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Earlier this spring, there was an EPA employee who was eligible for retirement and claimed he was quitting because of Trump and his proposed budget, when in reality he was just retiring because he was eligible for his pension. Of course the liberal Washington Post and other outlets jumped on the news.

•□□□□□□□□ **The Washington Post: EPA staffer leaves with a bang, blasting agency policies under Trump – April 7, 2015**
https://www.washingtonpost.com/news/powerpost/wp/2017/04/07/epa-staffer-leaves-with-a-bang-blasting-agency-policies-under-trump/?utm_term=.bf260e6e228a

Well another employee is doing the same thing and she's claiming that due to President Trump's proposed budget she is quitting, but it's widely known that presidential budgets – no matter what party you are from – never get rubberstamped by Congress. Below is the WaPo inquiry along with along with why the employee is claiming to retire.

Additionally, would also point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Curious if you would be interested in writing about this, because the left and environmentalists will make a big deal out of nothing.

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

In 2016, Forbes said that the White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget

suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Davidson, Joe" <joe.davidson@washpost.com>
Date: July 31, 2017 at 12:55:28 PM EDT
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their

residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

--
Emily Jashinsky
Commentary Writer,
Washington Examiner

To: Elizabeth Harrington[elizabeth@freebeacon.com]
From: Wilcox, Jahan
Sent: Wed 9/6/2017 5:39:45 PM
Subject: RE: Hey Liz

202.309.0934

From: Elizabeth Harrington [mailto:elizabeth@freebeacon.com]
Sent: Wednesday, September 6, 2017 1:38 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Hey Liz

what's a good number for you?

On Wed, Sep 6, 2017 at 1:05 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

I have an email on her.

From: Elizabeth Harrington [mailto:elizabeth@freebeacon.com]
Sent: Wednesday, September 6, 2017 12:28 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Hey Liz

Can you confirm that Elizabeth Southerland accepted a buyout offer?

On Tue, Sep 5, 2017 at 6:02 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Hey Liz -

Wanted to pass this along in the event you are interested in writing about this tonight or tomorrow (as word is slowly coming out).

On background – as an EPA official – there has been a lot of interest regarding buyout of EPA employees at the agency.

From the latest appropriations bill from Congress, our staff ceiling is at 15,000 and we currently have 14,880 employees. Last week, **362 employees** accepted their voluntary buyout (which is officially called the VERA/VSIP) and then on August 31, 2017 another **12 employees retired**. Additionally, another **33 employees are retiring** at the end of September and **45 other employees** are still considering offers.

If all those individuals accept offers and including the unrelated retirees, EPA employment levels would be at 14,428. The last time EPA was at an actual employment level of **14,440 was FY1988 when Ronald Reagan was president.**

We also wanted to point out that the EPA is incredibly top-heavy, as 25 percent of the agency can retire today with full benefits. Another 25 percent can retire in the next 5 years with full benefits.

Additionally, according to https://www.federalpay.org/employees/environmental-protection-agency in 2015, the EPA had 15,561 employees with an average pay of $113,820 and at that time the top 10 percent of employees at the agency made 14 percent of the total income which was $1.7 billion. The average American income is about $50,000.

Finally, wanted to pass along this statement from EPA Administrator Scott Pruitt regarding the employee buyouts.

"We're giving long-serving, hard-working employees the opportunity to retire early. We're proud to report that we're reducing the size of government, protecting taxpayer dollars and staying true to our core mission of protecting the environment and American jobs." - Scott Pruitt, EPA Administrator

BACKGROUND …

The Senate and House Appropriations Committees marked up the FY17 appropriations bills enacted in April and contained the following language which capped EPA's staff at 15,000. "The legislation rejects the previous Administration's proposed increase in staffing, holding the EPA to the current capacity of 15,000 positions, the lowest since 1989." (House Appropriations, 05/01/17)

Information regarding the buyout program that is officially called VSIP or VERA. "A buyout — also called a voluntary separation incentive payment or VSIP — is a cash payment to entice a federal employee to leave voluntarily. The maximum in most cases is $25,000 per person, although the payment is taxable, reducing its take-home value by several thousand dollars at least. Employees accepting a buyout must leave by a specific date and can't return to federal employment within five years unless they repaid the entire, pretax buyout amount. … Commonly, buyouts are paired with

early retirement offers. Voluntary Early Retirement Authority (VERA), in federal lingo, allows federal employees to retire before they hit the standard combinations of age and years of service. There are two main federal retirement systems, one called the Civil Service Retirement System and the other the Federal Employees Retirement System. The former generally applies to those first hired before 1984, now less than a tenth of the workforce — but that also means they are older and closer to retirement on average. Early retirement offers allow employees under either system to retire at age 50 with 20 years of service or any age with 25 years, potentially subject to a reduction in benefits." (The Washington Post, 04/19/17)

Employees eligible to retire right now is 2,998 or 20.17 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire by December 31, 2017 is 703 or 4.73 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire in the next 5 years is 3,171 or 21.33 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire in the next 5 to 10 years is 2,102 or 14.14 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire in the next 10 to 15 years is 1,686 or 11.34 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire in the next 15 to 20 years is 1,597 or 10.74 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire in the next 20 to 30 years is 2,351 or 15.82 percent. (EPA's Resources Management office, 05/03/17)

In 2015, the average EPA employee made $113,820. "The Environmental Protection Agency had 15,561 employees in 2015 with an average pay (base salary + bonus) of $113,820.16. The most common occupation was environmental protection specialist, followed by general physical science. The most common payscale is General Schedule. The top ten percent of employees in the Environmental Protection Agency earn 14% of the total income. See the top 100 most well paid employees in Environmental Protection Agency." (https://www.federalpay.org/employees/environmental-protection-agency, Accessed 09/05/17)

Jahan Wilcox
EPA

Strategic Communications Advisor
Work Cell: 202.309.0934
Work Email: wilcox.jahan@epa.gov

--

Elizabeth Harrington

Staff Writer

Washington Free Beacon
202-770-3795

--

Elizabeth Harrington

Staff Writer

Washington Free Beacon
202-770-3795

To: Elizabeth Harrington[elizabeth@freebeacon.com]
From: Wilcox, Jahan
Sent: Wed 9/6/2017 5:05:52 PM
Subject: RE: Hey Liz

I have an email on her.

From: Elizabeth Harrington [mailto:elizabeth@freebeacon.com]
Sent: Wednesday, September 6, 2017 12:28 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Hey Liz

Can you confirm that Elizabeth Southerland accepted a buyout offer?

On Tue, Sep 5, 2017 at 6:02 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Hey Liz -

Wanted to pass this along in the event you are interested in writing about this tonight or tomorrow (as word is slowly coming out).

On background – as an EPA official – there has been a lot of interest regarding buyout of EPA employees at the agency.

From the latest appropriations bill from Congress, our staff ceiling is at 15,000 and we currently have 14,880 employees. Last week, **362 employees** accepted their voluntary buyout (which is officially called the VERA/VSIP) and then on August 31, 2017 another **12 employees retired**. Additionally, another **33 employees are retiring** at the end of September and **45 other employees** are still considering offers.

If all those individuals accept offers and including the unrelated retirees, EPA employment levels would be at 14,428. The last time EPA was at an actual employment level of **14,440 was FY1988 when Ronald Reagan was president.**

We also wanted to point out that the EPA is incredibly top-heavy, as 25 percent of the agency can retire today with full benefits. Another 25 percent can retire in the next 5 years with full benefits.

Additionally, according to https://www.federalpay.org/employees/environmental-protection-agency in 2015, the EPA had 15,561 employees with an average pay of $113,820 and at that

time the top 10 percent of employees at the agency made 14 percent of the total income which was $1.7 billion. The average American income is about $50,000.

Finally, wanted to pass along this statement from EPA Administrator Scott Pruitt regarding the employee buyouts.

"We're giving long-serving, hard-working employees the opportunity to retire early. We're proud to report that we're reducing the size of government, protecting taxpayer dollars and staying true to our core mission of protecting the environment and American jobs." - Scott Pruitt, EPA Administrator

BACKGROUND …

The Senate and House Appropriations Committees marked up the FY17 appropriations bills enacted in April and contained the following language which capped EPA's staff at 15,000. "The legislation rejects the previous Administration's proposed increase in staffing, holding the EPA to the current capacity of 15,000 positions, the lowest since 1989." (House Appropriations, 05/01/17)

Information regarding the buyout program that is officially called VSIP or VERA. "A buyout — also called a voluntary separation incentive payment or VSIP — is a cash payment to entice a federal employee to leave voluntarily. The maximum in most cases is $25,000 per person, although the payment is taxable, reducing its take-home value by several thousand dollars at least. Employees accepting a buyout must leave by a specific date and can't return to federal employment within five years unless they repaid the entire, pretax buyout amount. … Commonly, buyouts are paired with early retirement offers. Voluntary Early Retirement Authority (VERA), in federal lingo, allows federal employees to retire before they hit the standard combinations of age and years of service. There are two main federal retirement systems, one called the Civil Service Retirement System and the other the Federal Employees Retirement System. The former generally applies to those first hired before 1984, now less than a tenth of the workforce — but that also means they are older and closer to retirement on average. Early retirement offers allow employees under either system to retire at age 50 with 20 years of service or any age with 25 years, potentially subject to a reduction in benefits." (The Washington Post, 04/19/17)

Employees eligible to retire right now is 2,998 or 20.17 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire by December 31, 2017 is 703 or 4.73 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire in the next 5 years is 3,171 or 21.33 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire in the next 5 to 10 years is 2,102 or 14.14 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire in the next 10 to 15 years is 1,686 or 11.34 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire in the next 15 to 20 years is 1,597 or 10.74 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire in the next 20 to 30 years is 2,351 or 15.82 percent. (EPA's Resources Management office, 05/03/17)

In 2015, the average EPA employee made $113,820. "The Environmental Protection Agency had 15,561 employees in 2015 with an average pay (base salary + bonus) of $113,820.16. The most common occupation was environmental protection specialist, followed by general physical science. The most common payscale is General Schedule. The top ten percent of employees in the Environmental Protection Agency earn 14% of the total income. See the top 100 most well paid employees in Environmental Protection Agency." (https://www.federalpay.org/employees/environmental-protection-agency, Accessed 09/05/17)

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: 202.309.0934
Work Email: wilcox.jahan@epa.gov

--

Elizabeth Harrington

Staff Writer

Washington Free Beacon
202-770-3795

To: Friedman, Lisa[lisa.friedman@nytimes.com]
From: Wilcox, Jahan
Sent: Fri 12/15/2017 9:54:58 PM
Subject: Re: apologies for all the back and forth

That is correct - 120 annually or 10 a month. The old vendor was 207 annually. A savings of 87,000.

On Dec 15, 2017, at 4:36 PM, Friedman, Lisa <lisa.friedman@nytimes.com> wrote:

ok. the contract says $120K - that's not accurate?

On Fri, Dec 15, 2017 at 4:32 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Definers was awarded the contract to do our press clips at a rate that is $87,000 cheaper than our previous vendor and they are providing no other services.

This year, EPA has received over 10,000 public information requests from journalists and individuals across the political spectrum and we're responding to them in a manner that is fair and efficient.

If you have questions regarding how Definers operates, we encourage you to contact them.

> On Dec 15, 2017, at 3:09 PM, Friedman, Lisa <lisa.friedman@nytimes.com> wrote:
>
> But a few more things were just brought to my attention that require a few more questions.
>
> America Rising, which as you know shares top leadership with Definers Corp., has filed more than 200 FOIAs with EPA since 2015. Most recently they have requested information, including emails and other data, about a number of EPA employees - including many who have spoken out publicly against the agency like Betsy Southerland, Michael Cox and John O'Grady.
>
> Can you please offer me a comment on whether EPA believes it is appropriate to hire a firm that shares ownership with an organization that has investigated its employees?
>
> Thank you
> Lisa
>
> --
> Lisa Friedman
> Reporter, New York Times

> (202) 862-0306 office
> (202) 251-2083 cell
>

--
Lisa Friedman
Reporter, New York Times
(202) 862-0306 office
(202) 251-2083 cell

To: eJashinsky@washingtonexaminer.com[eJashinsky@washingtonexaminer.com]
From: Wilcox, Jahan
Sent: Mon 7/31/2017 9:16:14 PM
Subject: Hey Emily

Earlier this spring, there was an EPA employee who was eligible for retirement and claimed he was quitting because of Trump and his proposed budget, when in reality he was just retiring because he was eligible for his pension. Of course the liberal Washington Post and other outlets jumped on the news.

•□□□□□□□□ **The Washington Post: EPA staffer leaves with a bang, blasting agency policies under Trump – April 7, 2015**
https://www.washingtonpost.com/news/powerpost/wp/2017/04/07/epa-staffer-leaves-with-a-bang-blasting-agency-policies-under-trump/?utm_term=.bf260e6e228a

Well another employee is doing the same thing and she's claiming that due to President Trump's proposed budget she is quitting, but it's widely known that presidential budgets – no matter what party you are from – never get rubberstamped by Congress. Below is the WaPo inquiry along with along with why the employee is claiming to retire.

Additionally, would also point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Curious if you would be interested in writing about this, because the left and environmentalists will make a big deal out of nothing.

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

In 2016, Forbes said that the White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in

March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Davidson, Joe" <joe.davidson@washpost.com>
Date: July 31, 2017 at 12:55:28 PM EDT
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over

truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

To: Elizabeth Harrington[elizabeth@freebeacon.com]
From: Wilcox, Jahan
Sent: Mon 7/31/2017 7:04:45 PM
Subject: RE: Hey Liz

That I do not know. OTR - Anyone can retire whenever they want but the size of your pension varies from years spent at the agency. Some folks leave when they have maxed out, some folks stay longer and then leave, some leave early without full benefits.

From: Elizabeth Harrington [mailto:elizabeth@freebeacon.com]
Sent: Monday, July 31, 2017 3:02 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Hey Liz

Did she just come up eligible for retirement? Not eligible in May when Trump released the budget?

On Mon, Jul 31, 2017 at 2:37 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Earlier this spring, there was an EPA employee who was eligible for retirement and claimed he was quitting because of Trump and his proposed budget, when in reality he was just retiring because he was eligible for his pension. Of course the liberal Washington Post and other outlets jumped on the news.

- **The Washington Post: EPA staffer leaves with a bang, blasting agency policies under Trump – April 7, 2015**
https://www.washingtonpost.com/news/powerpost/wp/2017/04/07/epa-staffer-leaves-with-a-bang-blasting-agency-policies-under-trump/?utm_term=.bf260e6e228a

Well another employee is doing the same thing and she's claiming that due to President Trump's proposed budget she is quitting, but it's widely known that presidential budgets – no matter what party you are from – never get rubberstamped by Congress. Below is the WaPo inquiry along with along with why the employee is claiming to retire.

Additionally, would also point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Curious if you would be interested in writing about this, because the left and environmentalists will make a big deal out of nothing.

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a

nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

The White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Senate Majority Leader Mitch McConnell has said that he expects Congress to ignore the budget. "Senate Republican Leader Mitch McConnell has already said he expects the Republican-led Congress to largely ignore the proposal, saying in an interview last week with Bloomberg News that early versions reflected priorities that "aren't necessarily ours." (Bloomberg, 05/22/17)

Senator Lindsey Graham said presidential budgets do not fare well. "Historically, presidential budgets do not fare well with Congress," said Sen. Lindsey Graham, R-S.C. (McClatchy, 03/16/17)

Senate Appropriations Committee Member John Hoevan said this budget is a starting point. "'The budget's a starting point. We'll go to work from there,' said Sen. John Hoeven, R-N.D., a member of the Senate Appropriations Committee." (The Associated Press, 05/22/17)

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Davidson, Joe" <joe.davidson@washpost.com>

Date: July 31, 2017 at 12:55:28 PM EDT
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

--

Elizabeth Harrington

Staff Writer

Washington Free Beacon
202-770-3795

To: Michael Bastasch[mike@dailycallernewsfoundation.org]
From: Wilcox, Jahan
Sent: Mon 7/31/2017 6:55:47 PM
Subject: Hey Michael -

Earlier this spring, there was an EPA employee who was eligible for retirement and claimed he was quitting because of Trump and his proposed budget, when in reality he was just retiring because he was eligible for his pension. Of course the liberal Washington Post and other outlets jumped on the news.

•□□□□□□□□ **The Washington Post: EPA staffer leaves with a bang, blasting agency policies under Trump – April 7, 2015**
https://www.washingtonpost.com/news/powerpost/wp/2017/04/07/epa-staffer-leaves-with-a-bang-blasting-agency-policies-under-trump/?utm_term=.bf260e6e228a

Well another employee is doing the same thing and she's claiming that due to President Trump's proposed budget she is quitting, but it's widely known that presidential budgets – no matter what party you are from – never get rubberstamped by Congress. Below is the WaPo inquiry along with along with why the employee is claiming to retire.

Additionally, would also point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Curious if you would be interested in writing about this, because the left and environmentalists will make a big deal out of nothing.

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

In 2016, Forbes said that the White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in

March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Davidson, Joe" <joe.davidson@washpost.com>
Date: July 31, 2017 at 12:55:28 PM EDT
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over

truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

To: Davidson, Joe[joe.davidson@washpost.com]
From: Wilcox, Jahan
Sent: Mon 7/31/2017 6:50:55 PM
Subject: RE: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Can you call me as I have tried to call you twice about this.

Also here is our statement …

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

From: Davidson, Joe [mailto:joe.davidson@washpost.com]
Sent: Monday, July 31, 2017 12:55 PM
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

To: Sean Moran[smoran@breitbart.com]
From: Wilcox, Jahan
Sent: Mon 7/31/2017 6:46:01 PM
Subject: Hey Sean

Earlier this spring, there was an EPA employee who was eligible for retirement and claimed he was quitting because of Trump and his proposed budget, when in reality he was just retiring because he was eligible for his pension. Of course the liberal Washington Post and other outlets jumped on the news.

•□□□□□□□□ **The Washington Post: EPA staffer leaves with a bang, blasting agency policies under Trump – April 7, 2015**
https://www.washingtonpost.com/news/powerpost/wp/2017/04/07/epa-staffer-leaves-with-a-bang-blasting-agency-policies-under-trump/?utm_term=.bf260e6e228a

Well another employee is doing the same thing and she's claiming that due to President Trump's proposed budget she is quitting, but it's widely known that presidential budgets – no matter what party you are from – never get rubberstamped by Congress. Below is the WaPo inquiry along with along with why the employee is claiming to retire.

Additionally, would also point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Curious if you would be interested in writing about this, because the left and environmentalists will make a big deal out of nothing.

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

In 2016, Forbes said that the White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in

March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Davidson, Joe" <joe.davidson@washpost.com>
Date: July 31, 2017 at 12:55:28 PM EDT
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

To: Tyler O'Neil[tylero@pjmedia.com]
From: Wilcox, Jahan
Sent: Mon 7/31/2017 6:44:30 PM
Subject: Hey Tyler

Earlier this spring, there was an EPA employee who was eligible for retirement and claimed he was quitting because of Trump and his proposed budget, when in reality he was just retiring because he was eligible for his pension. Of course the liberal Washington Post and other outlets jumped on the news.

•□□□□□□□□ **The Washington Post: EPA staffer leaves with a bang, blasting agency policies under Trump – April 7, 2015**
https://www.washingtonpost.com/news/powerpost/wp/2017/04/07/epa-staffer-leaves-with-a-bang-blasting-agency-policies-under-trump/?utm_term=.bf260e6e228a

Well another employee is doing the same thing and she's claiming that due to President Trump's proposed budget she is quitting, but it's widely known that presidential budgets – no matter what party you are from – never get rubberstamped by Congress. Below is the WaPo inquiry along with along with why the employee is claiming to retire.

Additionally, would also point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Curious if you would be interested in writing about this, because the left and environmentalists will make a big deal out of nothing.

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

The White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in

March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Senate Majority Leader Mitch McConnell has said that he expects Congress to ignore the budget. "Senate Republican Leader Mitch McConnell has already said he expects the Republican-led Congress to largely ignore the proposal, saying in an interview last week with Bloomberg News that early versions reflected priorities that "aren't necessarily ours." (Bloomberg, 05/22/17)

Senator Lindsey Graham said presidential budgets do not fare well. "Historically, presidential budgets do not fare well with Congress," said Sen. Lindsey Graham, R-S.C. (McClatchy, 03/16/17)

Senate Appropriations Committee Member John Hoevan said this budget is a starting point. "'The budget's a starting point. We'll go to work from there,' said Sen. John Hoeven, R-N.D., a member of the Senate Appropriations Committee." (The Associated Press, 05/22/17)

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Davidson, Joe" <joe.davidson@washpost.com>
Date: July 31, 2017 at 12:55:28 PM EDT
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

To: Jeff Bechdel[jbechdel@ntknetwork.com]
From: Wilcox, Jahan
Sent: Mon 7/31/2017 6:43:10 PM
Subject: Hey Jeff

Earlier this spring, there was an EPA employee who was eligible for retirement and claimed he was quitting because of Trump and his proposed budget, when in reality he was just retiring because he was eligible for his pension. Of course the liberal Washington Post and other outlets jumped on the news.

•□□□□□□□□ **The Washington Post: EPA staffer leaves with a bang, blasting agency policies under Trump – April 7, 2015**
https://www.washingtonpost.com/news/powerpost/wp/2017/04/07/epa-staffer-leaves-with-a-bang-blasting-agency-policies-under-trump/?utm_term=.bf260e6e228a

Well another employee is doing the same thing and she's claiming that due to President Trump's proposed budget she is quitting, but it's widely known that presidential budgets – no matter what party you are from – never get rubberstamped by Congress. Below is the WaPo inquiry along with along with why the employee is claiming to retire.

Additionally, would also point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Curious if you would be interested in writing about this, because the left and environmentalists will make a big deal out of nothing.

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

The White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in

March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Senate Majority Leader Mitch McConnell has said that he expects Congress to ignore the budget. "Senate Republican Leader Mitch McConnell has already said he expects the Republican-led Congress to largely ignore the proposal, saying in an interview last week with Bloomberg News that early versions reflected priorities that "aren't necessarily ours." (Bloomberg, 05/22/17)

Senator Lindsey Graham said presidential budgets do not fare well. "Historically, presidential budgets do not fare well with Congress," said Sen. Lindsey Graham, R-S.C. (McClatchy, 03/16/17)

Senate Appropriations Committee Member John Hoevan said this budget is a starting point. "'The budget's a starting point. We'll go to work from there,' said Sen. John Hoeven, R-N.D., a member of the Senate Appropriations Committee." (The Associated Press, 05/22/17)

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Davidson, Joe" <joe.davidson@washpost.com>
Date: July 31, 2017 at 12:55:28 PM EDT
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

To: Elizabeth Harrington[elizabeth@freebeacon.com]
From: Wilcox, Jahan
Sent: Mon 7/31/2017 6:37:18 PM
Subject: Hey Liz

Earlier this spring, there was an EPA employee who was eligible for retirement and claimed he was quitting because of Trump and his proposed budget, when in reality he was just retiring because he was eligible for his pension. Of course the liberal Washington Post and other outlets jumped on the news.

•□□□□□□□□ **The Washington Post: EPA staffer leaves with a bang, blasting agency policies under Trump – April 7, 2015**
https://www.washingtonpost.com/news/powerpost/wp/2017/04/07/epa-staffer-leaves-with-a-bang-blasting-agency-policies-under-trump/?utm_term=.bf260e6e228a

Well another employee is doing the same thing and she's claiming that due to President Trump's proposed budget she is quitting, but it's widely known that presidential budgets – no matter what party you are from – never get rubberstamped by Congress. Below is the WaPo inquiry along with along with why the employee is claiming to retire.

Additionally, would also point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Curious if you would be interested in writing about this, because the left and environmentalists will make a big deal out of nothing.

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

The White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat

Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Senate Majority Leader Mitch McConnell has said that he expects Congress to ignore the budget. "Senate Republican Leader Mitch McConnell has already said he expects the Republican-led Congress to largely ignore the proposal, saying in an interview last week with Bloomberg News that early versions reflected priorities that "aren't necessarily ours." (Bloomberg, 05/22/17)

Senator Lindsey Graham said presidential budgets do not fare well. "Historically, presidential budgets do not fare well with Congress," said Sen. Lindsey Graham, R-S.C. (McClatchy, 03/16/17)

Senate Appropriations Committee Member John Hoevan said this budget is a starting point. "'The budget's a starting point. We'll go to work from there,' said Sen. John Hoeven, R-N.D., a member of the Senate Appropriations Committee." (The Associated Press, 05/22/17)

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Davidson, Joe" <joe.davidson@washpost.com>
Date: July 31, 2017 at 12:55:28 PM EDT
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal

governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

To: joe.davidson@washpost.com[joe.davidson@washpost.com]
From: Wilcox, Jahan
Sent: Mon 7/31/2017 6:19:28 PM
Subject: Hey

Joe – Can you call me at 202-309-0934. Jahan

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Davidson, Joe" <joe.davidson@washpost.com>
Date: July 31, 2017 at 12:55:28 PM EDT
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

To: Kim Strassel[kim.strassel@wsj.com]
From: Wilcox, Jahan
Sent: Fri 8/4/2017 8:11:08 PM
Subject: RE: Hey Kim

Yes. You can call anytime (today, this weekend or Monday) and the best number to reach me is 202-591-0597 or you can also try 202-309-0934. Thank you!

From: Kim Strassel [mailto:kim.strassel@wsj.com]
Sent: Friday, August 4, 2017 4:08 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Hey Kim

I would love to! Thanks for bringing this to my attention. Can we talk Monday?

On Aug 4, 2017, at 12:03 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

My name is Jahan Wilcox and I am at the EPA for Administrator Pruitt.

Off-the-record, this week an EPA Employee decided to retire, but rather than leaving like a normal employee, she decided to put out a scathing memo to get attention for herself and to throw stones at President Trump, Administrator Pruitt and her old employer the EPA. She claims that she is retiring due to the President's budget but history has shown that Congress never rubberstamps the President's budget. All Southerland is doing is copying her former EPA colleague Mike Cox who too resigned due to Trump and claimed he was quitting because President Trump came to the EPA. What Mike didn't say is his office is in Seattle and the President came to HQ and he too qualified for a six-figure pension.

•□□□□□□□□ **Betsy Southerland: EPA won't be able to do the 'right thing' under Trump, says latest protesting official** (The Washington Post, August 01, 2017)

•□□□□□□□□ **Mike Cox: EPA staffer leaves with a bang, blasting agency policies under Trump** (The Washington Post, April 7, 2017)

Additionally, this employee (Betsy Southerland) made $249,000 last year -- which puts her $1,000 short of what Supreme Court Justices, $30,000 more than the Vice President make, roughly $70,000 more than what Senators make and about $200,000 more than what the average taxpayer makes. On top of that, for the rest of her life she will collect a six-figure government pension -- as your pension is 75 percent of the average salary you made for the last three years in the government.

It's always worth noting that if she really cared about protecting the environment should

would pass on her pension, which is in addition to her TSP Retirement Plan where the government matches up to 5 percent of your salary: https://www.tsp.gov/PlanParticipation/EligibilityAndContributions/typesOfContributions.html.

Curious if you would be interested in doing a column about a government employees (specifically rouge EPA employees) who are retiring because they are eligible for their six-figure lifetime government pension, but are attacking Trump and Pruitt because they are bitter about an election where the American people picked Donald Trump to be our next President.

If you could let me know that would be appreciated.

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: 202.309.0934
Work Email: wilcox.jahan@epa.gov

OFF-THE-RECORD RESEARCH THAT IS IN THE PUBLIC DOMAIN …

ELIZABETH SOUTHERLAND'S EPA COMPENSATION …

In 2016, Elizabeth Southerland made $249,000. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

SALARY OF ELECTED OFFICIALS …

2017: Vice President of the United States: $230,700 (https://www.thoughtco.com/top-us-government-officials-annual-salaries-3321465, Accessed 08/04/17)

2017: Rank-and-File Senators and Representatives: $174,000 (https://www.thoughtco.com/top-us-government-officials-annual-salaries-3321465, Accessed 08/04/17)

2017: Speaker of the House: $223,500 (https://www.thoughtco.com/top-us-government-officials-annual-salaries-3321465, Accessed 08/04/17)

2017: Chief Justice of the United States: $263,300 (https://www.thoughtco.com/top-us-government-officials-annual-salaries-3321465, Accessed 08/04/17)

2017: Associate Justices of the Supreme Court: $251,800 (https://www.thoughtco.com/top-us-government-officials-annual-salaries-3321465, Accessed 08/04/17)

SALARY OF THE AVERAGE AMERICAN …

In 2015, the Census Bureau estimated real median household income at $55,775 in 2015. (Census Bureau, Accessed 08/04/17)

HISTORY OF THE PRESIDENT'S BUDGET …

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

The White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Senate Majority Leader Mitch McConnell has said that he expects Congress to ignore the budget. "Senate Republican Leader Mitch McConnell has already said he expects the Republican-led Congress to largely ignore the proposal, saying in an interview last week with Bloomberg News that early versions reflected priorities that "aren't necessarily ours." (Bloomberg, 05/22/17)

Senator Lindsey Graham said presidential budgets do not fare well. "Historically, presidential budgets do not fare well with Congress," said Sen. Lindsey Graham, R-S.C. (McClatchy, 03/16/17)

Senate Appropriations Committee Member John Hoevan said this budget is a starting point. "'The budget's a starting point. We'll go to work from there,' said Sen. John Hoeven, R-N.D., a member of the Senate Appropriations Committee." (The Associated Press, 05/22/17)

To: kim.strassel@wsj.com[kim.strassel@wsj.com]
From: Wilcox, Jahan
Sent: Fri 8/4/2017 8:03:12 PM
Subject: Hey Kim

My name is Jahan Wilcox and I am at the EPA for Administrator Pruitt.

Off-the-record, this week an EPA Employee decided to retire, but rather than leaving like a normal employee, she decided to put out a scathing memo to get attention for herself and to throw stones at President Trump, Administrator Pruitt and her old employer the EPA. She claims that she is retiring due to the President's budget but history has shown that Congress never rubberstamps the President's budget. All Southerland is doing is copying her former EPA colleague Mike Cox who too resigned due to Trump and claimed he was quitting because President Trump came to the EPA. What Mike didn't say is his office is in Seattle and the President came to HQ and he too qualified for a six-figure pension.

•□□□□□□□□ **Betsy Southerland: EPA won't be able to do the 'right thing' under Trump, says latest protesting official** (The Washington Post, August 01, 2017)

•□□□□□□□□ **Mike Cox: EPA staffer leaves with a bang, blasting agency policies under Trump** (The Washington Post, April 7, 2017)

Additionally, this employee (Betsy Southerland) made $249,000 last year -- which puts her $1,000 short of what Supreme Court Justices, $30,000 more than the Vice President make, roughly $70,000 more than what Senators make and about $200,000 more than what the average taxpayer makes. On top of that, for the rest of her life she will collect a six-figure government pension -- as your pension is 75 percent of the average salary you made for the last three years in the government.

It's always worth noting that if she really cared about protecting the environment should would pass on her pension, which is in addition to her TSP Retirement Plan where the government matches up to 5 percent of your salary: https://www.tsp.gov/PlanParticipation/EligibilityAndContributions/typesOfContributions.html.

Curious if you would be interested in doing a column about a government employees (specifically rouge EPA employees) who are retiring because they are eligible for their six-figure lifetime government pension, but are attacking Trump and Pruitt because they are bitter about an election where the American people picked Donald Trump to be our next President.

If you could let me know that would be appreciated.

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: 202.309.0934

Work Email: wilcox.jahan@epa.gov

OFF-THE-RECORD RESEARCH THAT IS IN THE PUBLIC DOMAIN …

ELIZABETH SOUTHERLAND'S EPA COMPENSATION …

In 2016, Elizabeth Southerland made $249,000. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

SALARY OF ELECTED OFFICIALS …

2017: Vice President of the United States: $230,700 (https://www.thoughtco.com/top-us-government-officials-annual-salaries-3321465, Accessed 08/04/17)

2017: Rank-and-File Senators and Representatives: $174,000 (https://www.thoughtco.com/top-us-government-officials-annual-salaries-3321465, Accessed 08/04/17)

2017: Speaker of the House: $223,500 (https://www.thoughtco.com/top-us-government-officials-annual-salaries-3321465, Accessed 08/04/17)

2017: Chief Justice of the United States: $263,300 (https://www.thoughtco.com/top-us-government-officials-annual-salaries-3321465, Accessed 08/04/17)

2017: Associate Justices of the Supreme Court: $251,800 (https://www.thoughtco.com/top-us-government-officials-annual-salaries-3321465, Accessed 08/04/17)

SALARY OF THE AVERAGE AMERICAN …

In 2015, the Census Bureau estimated real median household income at $55,775 in 2015. (Census Bureau, Accessed 08/04/17)

HISTORY OF THE PRESIDENT'S BUDGET …

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

The White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Senate Majority Leader Mitch McConnell has said that he expects Congress to ignore the budget. "Senate Republican Leader Mitch McConnell has already said he expects the Republican-led Congress to largely ignore the proposal, saying in an interview last week with Bloomberg News that early versions reflected priorities that "aren't necessarily ours." (Bloomberg, 05/22/17)

Senator Lindsey Graham said presidential budgets do not fare well. "Historically,

presidential budgets do not fare well with Congress," said Sen. Lindsey Graham, R-S.C. (McClatchy, 03/16/17)

Senate Appropriations Committee Member John Hoevan said this budget is a starting point. "'The budget's a starting point. We'll go to work from there,' said Sen. John Hoeven, R-N.D., a member of the Senate Appropriations Committee." (The Associated Press, 05/22/17)

To: Grandoni, Dino[Dino.Grandoni@washpost.com]
From: Wilcox, Jahan
Sent: Fri 8/4/2017 6:29:04 PM
Subject: RE: Can we reschedule?

Have you written about Betsy Southerland's resignation?

From: Grandoni, Dino [mailto:Dino.Grandoni@washpost.com]
Sent: Friday, August 4, 2017 2:12 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Can we reschedule?

Ok sounds good!

On Aug 4, 2017, at 2:00 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Sure next Friday at 10a

From: Grandoni, Dino [mailto:Dino.Grandoni@washpost.com]
Sent: Friday, August 4, 2017 1:58 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Can we reschedule?

Ok, how about Friday morning? 9 or 10?

On Aug 4, 2017, at 12:42 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

After next Thursday

From: Grandoni, Dino [mailto:Dino.Grandoni@washpost.com]
Sent: Friday, August 4, 2017 12:37 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Can we reschedule?

No problem. When do you want to reschedule?

From: Wilcox, Jahan <wilcox.jahan@epa.gov>
Sent: Friday, August 4, 2017 12:22:36 PM
To: Grandoni, Dino
Subject: Can we reschedule?

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: 202.309.0934
Work Email: wilcox.jahan@epa.gov

To: Michael Bastasch[mike@dailycallernewsfoundation.org]
From: Wilcox, Jahan
Sent: Tue 8/1/2017 9:54:28 PM
Subject: RE: Hey Michael -

Typo but it's accurate.

From: Michael Bastasch [mailto:mike@dailycallernewsfoundation.org]
Sent: Tuesday, August 1, 2017 5:52 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Hey Michael -

Also, the federal pay database says Elizabeth Outherland. When I looked up Southerland, I couldn't find anything. You know what's up?

On Tue, Aug 1, 2017 at 5:49 PM, Michael Bastasch <mike@dailycallernewsfoundation.org> wrote:

Jesus. Thanks!

On Tue, Aug 1, 2017 at 5:48 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Off-the-record, I do not. It's a formula based on how many years you in the federal government and your top salary. If you serve 20 years, you leave with the average of your last three years for the rest of your life. I think it's safe to report that she will have a six-figure pension and made $1,000 less than the Vice President did last year – who has a salary of $250,000.

From: Michael Bastasch [mailto:mike@dailycallernewsfoundation.org]
Sent: Tuesday, August 1, 2017 5:45 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Hey Michael -

Hey Jahan,

Do we know what her pension will be? Also, do we know if she's signed up to receive one or something?

On Mon, Jul 31, 2017 at 2:55 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Earlier this spring, there was an EPA employee who was eligible for retirement and claimed he was quitting because of Trump and his proposed budget, when in reality he was just retiring because he was eligible for his pension. Of course the liberal Washington Post and other outlets jumped on the news.

- **The Washington Post: EPA staffer leaves with a bang, blasting agency policies under Trump – April 7, 2015**
https://www.washingtonpost.com/news/powerpost/wp/2017/04/07/epa-staffer-leaves-with-a-bang-blasting-agency-policies-under-trump/?utm_term=.bf260e6e228a

Well another employee is doing the same thing and she's claiming that due to President Trump's proposed budget she is quitting, but it's widely known that presidential budgets – no matter what party you are from – never get rubberstamped by Congress. Below is the WaPo inquiry along with along with why the employee is claiming to retire.

Additionally, would also point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Curious if you would be interested in writing about this, because the left and environmentalists will make a big deal out of nothing.

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

In 2016, Forbes said that the White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Davidson, Joe" <joe.davidson@washpost.com>
Date: July 31, 2017 at 12:55:28 PM EDT
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal

environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

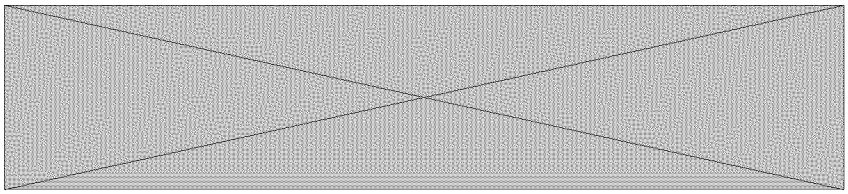
Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

--

Michael Bastasch

Daily Caller News Foundation



--

Michael Bastasch

Daily Caller News Foundation

--

Michael Bastasch

Daily Caller News Foundation

To: Michael Bastasch[mike@dailycallernewsfoundation.org]
From: Wilcox, Jahan
Sent: Tue 8/1/2017 9:48:17 PM
Subject: RE: Hey Michael -

Off-the-record, I do not. It's a formula based on how many years you in the federal government and your top salary. If you serve 20 years, you leave with the average of your last three years for the rest of your life. I think it's safe to report that she will have a six-figure pension and made $1,000 less than the Vice President did last year – who has a salary of $250,000.

From: Michael Bastasch [mailto:mike@dailycallernewsfoundation.org]
Sent: Tuesday, August 1, 2017 5:45 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Hey Michael -

Hey Jahan,

Do we know what her pension will be? Also, do we know if she's signed up to receive one or something?

On Mon, Jul 31, 2017 at 2:55 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Earlier this spring, there was an EPA employee who was eligible for retirement and claimed he was quitting because of Trump and his proposed budget, when in reality he was just retiring because he was eligible for his pension. Of course the liberal Washington Post and other outlets jumped on the news.

- **The Washington Post: EPA staffer leaves with a bang, blasting agency policies under Trump – April 7, 2015**
https://www.washingtonpost.com/news/powerpost/wp/2017/04/07/epa-staffer-leaves-with-a-bang-blasting-agency-policies-under-trump/?utm_term=.bf260e6e228a

Well another employee is doing the same thing and she's claiming that due to President Trump's proposed budget she is quitting, but it's widely known that presidential budgets – no matter what party you are from – never get rubberstamped by Congress. Below is the WaPo inquiry along with along with why

the employee is claiming to retire.

Additionally, would also point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Curious if you would be interested in writing about this, because the left and environmentalists will make a big deal out of nothing.

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the

same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

In 2016, Forbes said that the White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Davidson, Joe" <joe.davidson@washpost.com>
Date: July 31, 2017 at 12:55:28 PM EDT
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

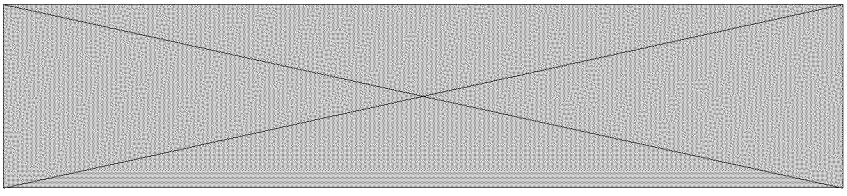
Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

--

Michael Bastasch

Daily Caller News Foundation



To: Bowman, Liz[Bowman.Liz@epa.gov]; John Siciliano[jsiciliano@washingtonexaminer.com]
From: Wilcox, Jahan
Sent: Tue 8/1/2017 8:54:25 PM
Subject: RE: Flint Article

Would point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Here is our statement …

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

From: Bowman, Liz
Sent: Tuesday, August 1, 2017 4:52 PM
To: John Siciliano <jsiciliano@washingtonexaminer.com>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE: Flint Article

Jahan has been responding to those; looping him in.

From: John Siciliano [mailto:jsiciliano@washingtonexaminer.com]
Sent: Tuesday, August 1, 2017 4:50 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Re: Flint Article

Do you have a response to this EPA official's resignation?

On Tue, Aug 1, 2017 at 4:49 PM, John Siciliano <jsiciliano@washingtonexaminer.com> wrote:

I'll look at it.

On Tue, Aug 1, 2017 at 4:31 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Hi John – EPA is not forgiving Flint's debt – Michigan is forgiving it. EPA concurred that it was the right thing to do.

Liz Bowman

U.S. Environmental Protection Agency (EPA)

Office: 202-564-3293

To: Ariel Wittenberg[awittenberg@eenews.net]
From: Wilcox, Jahan
Sent: Tue 8/1/2017 3:22:54 PM
Subject: Re: Comment on Betsy Southerland leaving--E&E News

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

Sent from my iPhone

On Aug 1, 2017, at 11:16 AM, Ariel Wittenberg <awittenberg@eenews.net> wrote:

Hi All,

Wanted to ask if EPA has a comment on Betsy Southerland's leaving EPA. I'm writing up a story about it and quoting from her exit memo, which was shared by PEER (https://www.peer.org/assets/docs/epa/8_1_17_Betsy_farewell_message.pdf). My deadline Is noon.

Thanks,

Ariel

Ariel Wittenberg

E&E News reporter

awittenberg@eenews.net

202-737-4557

@arielwittenberg

E&E NEWS

122 C Street NW 7th Floor Washington, DC 20001

www.eenews.net | @EENewsUpdates

Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM, E&ETV

To: Annie Snider[asnider@politico.com]
From: Wilcox, Jahan
Sent: Tue 8/1/2017 3:21:58 PM
Subject: Re: Comment on Southerland departing email?

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640. (https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

Sent from my iPhone

On Aug 1, 2017, at 11:16 AM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Yes Annie I will get you our statement.

Sent from my iPhone

On Aug 1, 2017, at 11:14 AM, Annie Snider <asnider@politico.com> wrote:

Hi all, We're doing a quick WB on the departing email from Betsy Southerland that PEER circulated. Do you have comment?

Annie Snider

Reporter

POLITICO

asnider@politico.com

703-672-2819 - desk

646-250-1943 - cell

@AnnElizabeth18

To: Emily Jashinsky[ejashinsky@washingtonexaminer.com]
From: Wilcox, Jahan
Sent: Tue 8/1/2017 2:17:18 PM
Subject: RE: Hey Emily

No timetable and we flagged for a few other folks too. The Post did this story this morning.

From: Emily Jashinsky [mailto:ejashinsky@washingtonexaminer.com]
Sent: Tuesday, August 1, 2017 9:51 AM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Hey Emily

Hey Jahan! I'm checking this out right now. Do you have a timetable?

On Mon, Jul 31, 2017 at 5:16 PM Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Earlier this spring, there was an EPA employee who was eligible for retirement and claimed he was quitting because of Trump and his proposed budget, when in reality he was just retiring because he was eligible for his pension. Of course the liberal Washington Post and other outlets jumped on the news.

- **The Washington Post: EPA staffer leaves with a bang, blasting agency policies under Trump – April 7, 2015**
https://www.washingtonpost.com/news/powerpost/wp/2017/04/07/epa-staffer-leaves-with-a-bang-blasting-agency-policies-under-trump/?utm_term=.bf260e6e228a

Well another employee is doing the same thing and she's claiming that due to President Trump's proposed budget she is quitting, but it's widely known that presidential budgets – no matter what party you are from – never get rubberstamped by Congress. Below is the WaPo inquiry along with along with why the employee is claiming to retire.

Additionally, would also point out that last year Elizabeth Southerland made $249,000. For comparison, a Senator or Congressman's salary is $174,000 and the average American makes $44,000 according the Census Bureau.

Curious if you would be interested in writing about this, because the left and environmentalists will make a big deal out of nothing.

"It's hard to believe that Elizabeth Southerland is retiring because of a budget proposal and not because she's eligible for her government pension. We wish Elizabeth Southerland the best in her retirement and the EPA will continue to re-focus on our core mission of protecting our air, land and water." EPA spokesman, Jahan Wilcox

OFF-THE-RECORD RESEARCH …

In 2016, Elizabeth Southerland made $249,000.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2015, Elizabeth Southerland made $183,300.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2014, Elizabeth Southerland made $181,500.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2013, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2012, Elizabeth Southerland made $179,700.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

In 2011, Elizabeth Southerland made $215,640.
(https://www.federalpay.org/employees/environmental-protection-agency/southerland-elizabeth, Accessed 07/31/17)

According to McClatchy, history has proven that the President's budget is dead on arrival because Congress has the power of the purse. "The nation's new president unveiled a budget proposal Thursday. But its fate is likely to be the same as most presidential budgets: It won't pass. Historically, lawmakers don't pass presidential budgets introduced to much fanfare — like President Donald Trump's was Thursday — even if the president is of the same party that controls Congress. 'It's kind of a tradition to declare the new president's budget 'dead on arrival,'' said Robert Bixby, executive director of the Concord Coalition, a nonpartisan budget watchdog group. 'Congress is going to do what it is going to do.'" (McClatchy, 03/16/17)

According to McClatchy, Congress will move forward with their own budget. "Trump's fellow Republicans control both chambers of Congress, but even so lawmakers are expected to move forward with their own budget blueprint this spring, as they traditionally have done." (McClatchy, 03/16/17)

In 2016, Forbes said that the White House's Budget no matter who is in power has become increasingly irrelevant as Congress has the power of the purse. "First, no matter who has been in the White House in recent years the president's budget has become increasingly irrelevant to what, if anything, gets done. This is not Obama-dependent: it has been happening over the past few decades." (Forbes, 02/01/16)

In 2015, President Obama's budget received 1 vote. "President Obama's budget suffered its latest ignominious defeat when the Senate rejected it on a 98-1 vote Tuesday evening, capping off the first votes of the budget season." (The Washington Times, 03/24/15)

In 2012, not a single person in the Senate or the House voted for President Obama's budget. "President Obama's budget suffered a second embarrassing defeat Wednesday, when senators voted 99-0 to reject it. Coupled with the House's rejection in March, 414-0, that means Mr. Obama's budget has failed to win a single vote in support this year." (The Washington Times, 05/16/12)

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Davidson, Joe" <joe.davidson@washpost.com>
Date: July 31, 2017 at 12:55:28 PM EDT
To: Press <Press@epa.gov>
Subject: Washington Post deadline questions re: Elizabeth "Betsy" Southerland

Hello EPA,

I'm writing a Federal Insider column today about Elizabeth Southerland, director of the Office of Science and Technology in EPA's Office of Water. Her resignation is effective today. I'd like to get EPA reaction to her departure comments.

In a farewell message to her colleagues, Southerland says:

*the proposed FY18 budget cuts to state, tribal and federal environmental programs would result in thousands of jobs lost in the short term, in EPA, state and tribal governments, and the private environmental consulting firms which support those governmental agencies"

*the major budget cuts to EPA, state and tribal environmental programs and the potential repeal of many existing regulations and science documents is not a cooperative federalism approach. It is an industry deregulation approach based on abandonment of the polluter pays principle that underlies all environmental statutes and regulations. When the federal government abandons the polluter pays principle, it will be up to the states, tribes and local government to decide how much of the polluters bills they will ask their residents to take on. The best case for our children and grandchildren is that they will pay the polluters bills through increased state taxes, new user fees, and higher water and sewer bills. The worst case is that they will have to live with increased public health and safety risks and a degraded environment."

Southerland told me that EPA suffers from "the temporary triumph of myth over truth." She added: "Without giving EPA staff the chance to brief him on 30 different rules, the Administrator made the decision to grant industry requests, stay compliance dates, and reconsider the rules. He also issued press releases stating that these rules are job killers causing economic harm, indicating his reconsideration may be biased."

Does EPA have any comment on her remarks? I am on deadline.

Thank you.

Best,

Joe

Joe Davidson, columnist

The Washington Post

1301 K Street, NW

Washington, DC 20071

202.334.6415 – work

202.580.9552 – cell

joe.davidson@washpost.com

Twitter: @JoeDavidsonWP

Website: wapo.st/JoeDavidson

--

Emily Jashinsky

Commentary Writer,

Washington Examiner

To: Elizabeth Harrington[elizabeth@freebeacon.com]
From: Wilcox, Jahan
Sent: Wed 9/6/2017 5:42:12 PM
Subject: RE: Hey Liz

http://ntknetwork.com/epa-employee-used-trump-budget-as-retirement-excuse-but-emails-say-otherwise/

http://ntknetwork.com/wp-content/uploads/2017/08/HQ-2017-010087_8.pdf

From: Elizabeth Harrington [mailto:elizabeth@freebeacon.com]
Sent: Wednesday, September 6, 2017 1:38 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Hey Liz

what's a good number for you?

On Wed, Sep 6, 2017 at 1:05 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

I have an email on her.

From: Elizabeth Harrington [mailto:elizabeth@freebeacon.com]
Sent: Wednesday, September 6, 2017 12:28 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Hey Liz

Can you confirm that Elizabeth Southerland accepted a buyout offer?

On Tue, Sep 5, 2017 at 6:02 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Hey Liz -

Wanted to pass this along in the event you are interested in writing about this tonight

or tomorrow (as word is slowly coming out).

On background – as an EPA official – there has been a lot of interest regarding buyout of EPA employees at the agency.

From the latest appropriations bill from Congress, our staff ceiling is at 15,000 and we currently have 14,880 employees. Last week, **362 employees** accepted their voluntary buyout (which is officially called the VERA/VSIP) and then on August 31, 2017 another **12 employees retired**. Additionally, another **33 employees are retiring** at the end of September and **45 other employees** are still considering offers.

If all those individuals accept offers and including the unrelated retirees, EPA employment levels would be at 14,428. The last time EPA was at an actual employment level of **14,440 was FY1988 when Ronald Reagan was president.**

We also wanted to point out that the EPA is incredibly top-heavy, as 25 percent of the agency can retire today with full benefits. Another 25 percent can retire in the next 5 years with full benefits.

Additionally, according to https://www.federalpay.org/employees/environmental-protection-agency in 2015, the EPA had 15,561 employees with an average pay of $113,820 and at that time the top 10 percent of employees at the agency made 14 percent of the total income which was $1.7 billion. The average American income is about $50,000.

Finally, wanted to pass along this statement from EPA Administrator Scott Pruitt regarding the employee buyouts.

"We're giving long-serving, hard-working employees the opportunity to retire early. We're proud to report that we're reducing the size of government, protecting taxpayer dollars and staying true to our core mission of protecting the environment and American jobs." - Scott Pruitt, EPA Administrator

BACKGROUND …

The Senate and House Appropriations Committees marked up the FY17 appropriations bills enacted in April and contained the following language which capped EPA's staff at 15,000. "The legislation rejects the previous Administration's proposed increase in staffing, holding the EPA to the current capacity of 15,000 positions, the lowest since 1989." (House Appropriations, 05/01/17)

Information regarding the buyout program that is officially called VSIP or VERA. "A buyout — also called a voluntary separation incentive payment or VSIP —

is a cash payment to entice a federal employee to leave voluntarily. The maximum in most cases is $25,000 per person, although the payment is taxable, reducing its take-home value by several thousand dollars at least. Employees accepting a buyout must leave by a specific date and can't return to federal employment within five years unless they repaid the entire, pretax buyout amount. … Commonly, buyouts are paired with early retirement offers. Voluntary Early Retirement Authority (VERA), in federal lingo, allows federal employees to retire before they hit the standard combinations of age and years of service. There are two main federal retirement systems, one called the Civil Service Retirement System and the other the Federal Employees Retirement System. The former generally applies to those first hired before 1984, now less than a tenth of the workforce — but that also means they are older and closer to retirement on average. Early retirement offers allow employees under either system to retire at age 50 with 20 years of service or any age with 25 years, potentially subject to a reduction in benefits." (The Washington Post, 04/19/17)

Employees eligible to retire right now is 2,998 or 20.17 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire by December 31, 2017 is 703 or 4.73 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire in the next 5 years is 3,171 or 21.33 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire in the next 5 to 10 years is 2,102 or 14.14 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire in the next 10 to 15 years is 1,686 or 11.34 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire in the next 15 to 20 years is 1,597 or 10.74 percent. (EPA's Resources Management office, 05/03/17)

Employees eligible to retire in the next 20 to 30 years is 2,351 or 15.82 percent. (EPA's Resources Management office, 05/03/17)

In 2015, the average EPA employee made $113,820. "The Environmental Protection Agency had 15,561 employees in 2015 with an average pay (base salary + bonus) of $113,820.16. The most common occupation was environmental protection specialist, followed by general physical science. The most common payscale is General Schedule. The top ten percent of employees in the Environmental Protection Agency earn 14% of the total income. See the top 100 most well paid employees in Environmental Protection Agency." (https://www.federalpay.org/employees/environmental-protection-agency, Accessed 09/05/17)

Jahan Wilcox
EPA
Strategic Communications Advisor
Work Cell: 202.309.0934
Work Email: wilcox.jahan@epa.gov

--

Elizabeth Harrington

Staff Writer

Washington Free Beacon
202-770-3795

--

Elizabeth Harrington

Staff Writer

Washington Free Beacon
202-770-3795