Message

From: Scott, Dean [DScott@bloombergenvironment.com]
Sent: 1/2/2019 8:23:29 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Fwd: Bloomberg reporter looking for your help on a Wheeler confirmation story

Also, here's the story in case I didn't send you in August.
https://bnanews.bna.com/environment-and-energy/new-epa-chief-gets-home-field-advantage-in-first-senate-test
: : : : : : : : : : : : : : : :

Dean Scott
Senior Reporter for Climate Change

Bloomberg Environment

Ex. (b)(6)

dscott@BloombergEnvironment.com
@deantscott on Twitter

Begin forwarded message:

From: "Dean T. Scott" <dscott@bna.com>
Subject: Bloomberg reporter looking for your help on a Wheeler confirmation story
Date: January 2, 2019 at 3:19:51 PM EST
To: Jackson.ryan@epa.gov

Hi Ryan,
We spoke on the phone over the A Wheeler story I did a few months back (when he was going before the committee, I had done a story focusing on his time as committee aide at EPW, when I knew him).

I ran into an aide to Wheeler today in the Senate and was asking about Wheeler, i.e. when he'll be sent to Senate for confirmation. I thought I'd also ask you, even if on background, I've been hearing he (Wheeler) is a week or two away from being sent to Senate as Trump's nominee for EPA administrator, basically in line with what Trump said in November.

Can you call me in House press office Ex. (b)(6)? Or if swamped, confirm for me (for attribution as a senior administration official) that the plan is to send nomination "in the weeks ahead" to the Senate. I just need to check what I'm hearing against someone at the agency who would know on the timing.

Thanks Ryan,

Dean

: : : : : : : : : : : : : : : : :

Dean Scott
Senior Reporter for Climate Change

Bloomberg Environment

Ex. (b)(6)

dscott@BloombergEnvironment.com
@deantscott on Twitter

Message

From: Kent Lassman [kent@cei.org]
Sent: 1/10/2019 3:45:51 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: CEI offers ambitious policy reforms for the 116th Congress

Stationary - [Plain HTML]

COMPETITIVE ENTERPRISE INSTITUTE

Dear Ryan,

This week, CEI offered a set of ambitious, achievable policy reforms for the 116th Congress.

The report, *Free to Prosper*, offers nine policy areas ripe for reform, along with a set of specific proposals for each. As *The Washington Times* notes, CEI's advice is straightforward: "Reduce the clutter of federal regulations that stifle American lives and livelihoods, and prosperity will follow." Others at the *Daily Caller* and *Washington Examiner* highlight our agenda's top ten energy priorities and our challenge to the Green New Deal.

As you know, unaccountable regulatory agencies dominate how we live, work, play, build, travel, eat, and heal one another—and perversely drive people away from commonsense decisions.

The policy solutions in *Free to Prosper* chart a bold path toward a restoration of responsible lawmaking in Congress and a more resilient economy for all of us.

Read our plan for Congress here.

Thank you for your continued support.

In liberty,

Kent Lassman
President & CEO

Competitive Enterprise Institute
1310 L Street NW, 7th Floor
Washington, DC 20005
www.cei.org

Click here to unsubscribe.

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Message

From: rich.gold@hklaw.com [rich.gold@hklaw.com]
Sent: 3/28/2019 10:01:55 PM
To: Cook, Steven [cook.steven@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Dimitri.Karakitsos@hklaw.com
Subject: Re: Portland Harbor

I'm sitting in the post-meeting from our group meeting today. I just wanted you both to know if you were wondering, "was it worth the trip?". The answer is a "resounding yes."

This is how government works best. Thank you.

Rich

Rich Gold | Holland & Knight
Practice Group Leader
Public Policy & Regulation Group
Holland & Knight LLP
800 17th Street N.W., Suite 1100 | Washington, DC 20006<x-apple-data-detectors://1/1>
Ex. (b)(6)
rich.gold@hklaw.com<mailto:rich.gold@hklaw.com> | @HK_PPR

Add to address book<http://www.hklaw.com/vcard.aspx?user=Rgold> | View professional biography<http://www.hklaw.com/id77/biosRgold>

NOTE: This e-mail is from a law firm, Holland & Knight LLP ("H&K"), and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone else. If you are not an existing client of H&K, do not construe anything in this e-mail to make you a client unless it contains a specific statement to that effect and do not disclose anything to H&K in reply that you expect it to hold in confidence. If you properly received this e-mail as a client, co-counsel or retained expert of H&K, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.

Message

From: Norman Anderson [norman@cg-la.com]
Sent: 1/4/2019 1:44:09 PM
To: Wheeler, Andrew [wheeler.andrew@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Strategic 25 U.S. Infrastructure Projects

Andrew,

A Happy and Prosperous New Year!

As promised, I've just updated CG/LA's list of the Top 25 U.S. infrastructure projects, and wanted to share with you. Each of these projects could start this year, and if that were to happen we would nearly double our level of starts (the total value here is $221 billion).

A couple of points:

1. A focus on projects is the only way to make sense of infrastructure, otherwise there are simply too many variables - by focusing on projects you can manage the process.

2. Last month I convened a USG working level meeting in my office, and we realized three key facts:
- The U.S. supply chain for many of our projects no longer exists, and so infrastructure project selection needs to search out those projects that will bring back the supply chains;
- Likewise while we have more and higher quality deposits of minerals going into infrastructure nearly all of the inputs come from overseas because we have spent 20+ years optimizing inflows from China rather than from within our country, and
- We need to actively search out and prioritize 'where we want the puck to be' projects, and then prioritize those (Texas Central is a good example, but so is dredging so that reservoirs work, and - different use case - our oil & gas exports can be optimized).

3. Once these projects start to move, then the level of pent-up entrepreneurial activity in US infrastructure will explode - how many technology and finance revolutions have there been over the last 70 years, while infrastructure clings to its 'fee for services, change orders' model.

We've built this out into a nuanced spreadsheet, here I want to share the highlighted projects.

Transportation ($69.5B)
1. Texas Central Railway ($20B)
2. LA/Las Vegas Bright line ($5.5)
3. Gateway Tunnel ($28B)
4. Silver Line Rolling Stock ($1B)
5. Cape Cod Bridges ($1B)
6. Corpus Christi Ship Channel ($1B)
7. Cotton Belt Regional Rail ($12B)
8. Colorado I-70 Mountain Corridor ($1B)

* Airport Private Participation/Modernization ($400B)

Water/Wastewater ($73.5B)
1. Cadiz Water Conveyance ($2B)
2. DFW Wright Reservoir ($4.5B)

3. Army Corps Reservoirs ($30B)
4. Soo Locks Reconstruction ($4.5B)
5. California Water Fix ($15B)
6. Miami/Dade Water & Sewer System ($13.5B)

* Aging pipe and valve/motor urban water infrastructure ($200B)

Energy ($60.7B)

1. Hell's Kitchen Geothermal and Lithium Mining Project ($2B)
2. Hudson Valley Transmission Lines ($2.2B)
3. SeaOne CGL Export Facility/Gulfport Dredging ($12B)
4. Army Corps Hydropower $30B)
5. Puerto Rico CGL Facility ($5B)
6. Chokecherry Transmission Lines ($5B)
7. Atlantic Coast Pipeline ($4.5B)

* Transmission line renovation, modernization and greenfield ($250B)

Social ($16.2B)

1. Veterans Health Research Institute/VA ($1B)
2. Indian School Rehabilitation ($2B)
3. FBI New Headquarters ($4.5B)
4. DC Union Station ($8.7B)

* Land and air value capture for US transit systems and airports would exceed $1 trillion.

Thanks, N

--

Norman F. Anderson
Chairman & CEO
CG/LA Infrastructure, Inc.
Ex. (b)(6)
E: **norman@cg-la.com**
Take the 2018 State of Infrastructure Survey here #ThinkInfra

Message

From: Claire Barnett [cbarnett@healthyschools.org]
Sent: 12/28/2018 1:48:47 PM
To: Wheeler, Andrew [wheeler.andrew@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
CC: cbarnett@healthyschools.org
Subject: For Mr Wheeler Fwd: Letter from EPA
Attachments: Dec 2018 Letter from EPA.pdf

Thank you again for your time and interest in k-12 and child care environments. We look forward to seeing a re-imagined and re-invigorated approach by EPA that will help break down agency silos, described in our reply to Bill Wehrum et al

Claire Barnett

Claire Barnett
Healthy Schools Network
Ex. (b)(6)

Begin forwarded message:

From: Claire Barnett <cbarnett@healthyschools.org>
Date: December 28, 2018 at 8:42:27 AM EST
To: Wehrum.Bill@epa.gov, Edwards.Jonathan@epa.gov, Rowson.David@epa.gov, "smith. alisa@epa. gov" <smith.alisa@epa.gov>, "Firestone. michael@epa. gov" <Firestone.michael@epa.gov>
Cc: cbarnett@healthyschools.org, janet phoenix <jphoenix@gwu.edu>, Cehn Ex. (b)(6), Noelle Ellerson Ng <nellerson@aasa.org>, Elleka Yost Watts <eyost@asbointl.org>, Ex. (b)(6) dany@kunz-fam.com
Subject: Fwd: Letter from EPA

Dear Bill, all,

Thank you so very much for your helpful letter of Dec 19. It reached me yesterday and I am copying our meeting group with this email.

We will of course stay in touch as you suggested.

Ex. (b)(6) **I did see EPAs new lead strategy release; of course we all hope to see new funds follow strategies into the field and tight regulations on lead.**

That said, we took to heart Acting Administrator Wheeler's own personal experience with poor IAQ in schools and his clearly stated interest in breaking down silos inside EPA.

For those reasons - and knowing a toxics-de-jour approach too often stymies busy education leaders - we urge EPA to "re-imagine" and reinvest in an expanded annual

Symposium on education facilities for children that includes significant players in both the PK-12 and child care sectors. EPA can bring them together on shared concerns. It would help both EPA offices and the two sectors understand how the discrete problems of the physical environment of ed facilities fit together as a whole. It would also spur greater attention in the field to the need for health, environment, and education agencies to work together for all children in these settings.

Thank you again for your letter. We will be in touch about scheduling a follow up in January.

Claire Barnett

Cc J Phoenix; B Eskenazi Melendez; N Obot Witherspoon; N Ellerson Ng; E Yost Watts; D Kunz

Claire Barnett
Healthy Schools Network
Ex. (b)(6)

Begin forwarded message:

> **From:** Alex Naidoo <alexnaidoo@healthyschools.org>
> **Date:** December 27, 2018 at 3:46:33 PM EST
> **To:** Claire Barnett <cbarnett@healthyschools.org>
> **Subject: Letter from EPA**

--
Alex Naidoo
Healthy Schools Network
Ex. (b)(6)
AlexNaidoo@healthyschools.org

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

December 19, 2018

OFFICE OF
AIR AND RADIATION

Ms. Claire L. Barnett
Executive Director
Healthy Schools Network, Inc
773 Madison Avenue
Albany, New York 12208

Dear Ms. Barnett:

Thank you for your November 27, 2018, letter to the Environmental Protection Agency (EPA) Acting Administrator Wheeler following your recent meeting with him to discuss healthy kids and healthy schools. While I was not able to attend the meeting personally, I have been briefed on the positive and collaborative discussion that took place. I want to reiterate, on behalf of the Acting Administrator, that EPA shares many of your concerns regarding healthy kids, healthy schools and healthy indoor air quality and we are interested in making advancements in this area.

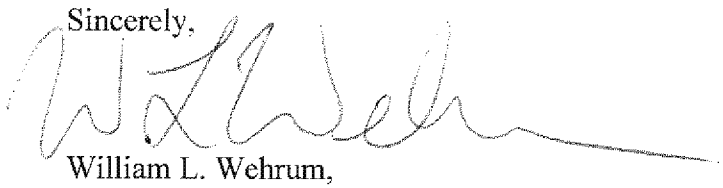
I support your request to maintain a dialogue between our organizations on this issue. In the near term, I request that you continue your partnership with the Office of Radiation and Indoor Air (ORIA). Jon Edwards, Director of ORIA can be reached at edwards.jon@epa.gov or 202-343-9320 and Dave Rowson, Director of Indoor Environments Division (IED) at rowson.david@epa.gov or 202-343-9370. They can continue to serve as points of contact to further discuss some of the ideas and issues you identified in your letter. I would also suggest you rely on Michael Firestone, Acting Director of the Office of Children's Health Protection (OCHP) (firestone.michael@epa.gov, 202-564-2188) as another contact, particularly with regard to the lead strategy the Agency hopes to soon release. In addition, I am available to participate in periodic discussions and to keep the Acting Administrator informed of our collective progress. I also anticipate that he would be happy to meet with you in person again next year, as you suggested.

I want to assure you that protection of public health and the environment remain top priorities at EPA. Protecting indoor air quality in our nation's schools is an important way to protect student and staff health and safety.

We thank you for your concern and the professional actions you and your colleagues have taken, both individually and collectively through the Coalition for Healthier Schools and the Healthy Schools Network, to improve the health of schools, students and staff.

Again, thank you for your letter. I appreciate the opportunity to be of service and trust the information provided is helpful.

Sincerely,



William L. Wehrum,
Assistant Administrator

cc: Jonathan D. Edwards, Director ORIA
Michael Firestone, Acting Director OCHP
David Rowson, Director IED

Message

From: Clifford, Brian (EPW) [Brian_Clifford@epw.senate.gov]
Sent: 1/3/2019 7:33:19 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]; Kunsman, Dan (Barrasso) [Dan_Kunsman@Barrasso.senate.gov]; Leggett, Matt (EPW) [Matt_Leggett@epw.senate.gov]; Russell, Richard (EPW) [Richard_Russell@epw.senate.gov]
Subject: RE:

Thanks Ryan, it's appreciated.

-----Original Message-----
From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Thursday, January 3, 2019 2:25 PM
To: Kunsman, Dan (Barrasso) <Dan_Kunsman@Barrasso.senate.gov>; Clifford, Brian (EPW) <Brian_Clifford@epw.senate.gov>; Leggett, Matt (EPW) <Matt_Leggett@epw.senate.gov>; Russell, Richard (EPW) <Richard_Russell@epw.senate.gov>
Subject:

Whatever you guys did you're miracle workers. Big thanks. Glad to have you looking out for us.

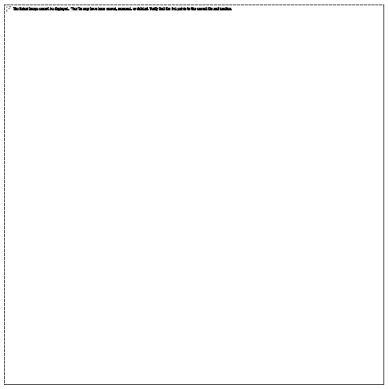
Ryan Jackson
Chief of Staff
U.S. EPA
Ex. (b)(6)

Message

From: The Well News [press@thewellnews.com]
Sent: 12/15/2018 11:09:44 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: The Digital Wave, Gov Shut Down and Sandy Hook

The Digital Wave, Gov Shut Down and Sandy Hook

View in browser



Straight from The Well

Saturday, December 15, 2018

THE RISE OF DIGITAL ADVERTISING

And the Future of Campaigns

New technology is rapidly changing the ways in which campaigns and candidates interact with voters. For decades, direct mail and other forms of traditional media have been the gold standard in voter communication and persuasion. But new technologies have created an entirely new form of voter communication through social media and digital advertising.

Most of us are familiar with online shopping. Over the last decade, however, the tools that companies and advertisers use have become increasingly precise. When shopping on a site like Amazon, for example, you may have found that you have added an item to your cart but were unsure of the purchase and decided that you would like to think and finish the transaction at a later time. Immediately, you notice advertisement after advertisement for the same item following you across the internet, appearing in banner ads, in sidebars and across social media.

Read More

Iraq Combat Veteran to Serve as Executive Director of DCCC

This week, Democratic Congressional Campaign Committee Chairwoman Cheri Bustos announced the first round of senior staff hires. Former Bustos Chief of Staff and Iraq combat veteran Allison Jaslow will take the lead as the new Executive Director. Additional hires include Jalisa Washington-Price as Chief of Staff, Ryan Thompson as Chief Digital Officer and Jared Smith as Communications Director.

"The DCCC did amazing work in 2018 to win 40 seats. Our challenge is to build on that progress, to fortify and expand our majority…I want to thank Allison, Jalisa, Ryan and Jared for being at the tip of the spear as we begin the difficult and exhilarating work of locking down our majority," said Bustos of the hires.

GOVERNMENT SHUT DOWN LOOMS

With no resolution in sight on the border security question, Democrats and President Trump are locked in a bitter dispute with less than two weeks before a spending bill must be passed to keep the government open.

President Trump has one thing on his mind -- the wall. And he wants $5 billion appropriated as part of the spending agreement, a sum Democrats have no intention of providing. Senate Minority Leader Chuck Schumer and (most likely) incoming Speaker Nancy Pelosi have offered only $1.3 billion as part of the spending package.

Read More

IN THE NEWS

- House Republican Leader Invites Democratic Freshmen to Meet With Him
  By Lindsey McPherson
- House Primaries on the Horizon for Democrats in 2020
  By Nathan L. Gonzales
- Sandy Hook School Dismissed Friday After Receiving Threat on Shooting Anniversary
  By Nicholas Rondinone
- Trump, After Public Frustration, Picks Budget Chief Mick Mulvaney as His Acting Chief of Staff
  By Noah Bierman
- In Honduras, Crime Is Down but Life Is Hard and Jobs Are Few
  By Kate Linthicum

WILL TRUMP BE PARTISAN BRAWLER OR SMART DEALMAKER WITH CONGRESS?

Commentary by Dan Mahaffee

The American people settled on a divided government that reflected a divided nation in the midterm elections. The results foreshadow the wide gulf between the political parties and the narrow prospects for cooperation. Despite Republicans losing the House, President Trump will set the tone for the next two years as he embarks on his reelection campaign and Democrats jockey for position in their own campaign.

Read More

CARTOONS OF THE WEEK

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The Well News, 777 6th Street, NW, Washington, DC, 20001
Unsubscribe

Message

From: Mclain, Jennifer [Mclain.Jennifer@epa.gov]
Sent: 3/28/2019 4:45:01 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Ross, David P [ross.davidp@epa.gov]
CC: Bodine, Susan (EPW) [Susan_Bodine@epw.senate.gov]; Traylor, Patrick [traylor.patrick@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Chancellor, Erin [chancellor.erin@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: Follow up on our PFAS Conversation

Sensitivity: Private

Will do

From: Forsgren, Lee
Sent: Thursday, March 28, 2019 12:37 PM
To: Mclain, Jennifer <Mclain.Jennifer@epa.gov>; Ross, David P <ross.davidp@epa.gov>
Cc: Bodine, Susan (EPW) <Susan_Bodine@epw.senate.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Chancellor, Erin <chancellor.erin@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: FW: Follow up on our PFAS Conversation
Sensitivity: Private

Jenifer,

Can you have the PFAS team work with R6 to put together a Briefing paper on the Holloman AFB issue ASAP. This is almost certain to come up next week in the Senate Appropriations hearing from Senator Udall.

Regards,
Lee

From: Kenney, James, NMENV <James.Kenney@state.nm.us>
Sent: Thursday, March 28, 2019 12:21 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: Follow up on our PFAS Conversation
Sensitivity: Private

Good morning, Lee and great to see you this week! The attached photos were taken by NMED staff at Lake Holloman by Holloman AFB near White Sands. We have not discussed these photos with the USAF nor sampled Lake Holloman yet as we are developing a scientific and legal approach. This includes evaluating approaches outside of environmental statutes and laws.

We have not observed these issues at Cannon AFB which is where we have impacts to groundwater that may now threaten the public drinking water system for Clovis (~40k people) and has already impacted agriculture (i.e., dairies).

We recently sampled areas around both bases and awaiting sampling data results that we have committed to share publicly. The data we based our ISE action on is public already. The best way for me to share this with you is by pointing you to this article: http://nmpoliticalreport.com/2019/02/02/2018-report-shows-off-the-charts-contamination-in-holloman-afb-water/

Our complaint is also available online: https://www.env.nm.gov/wp-content/uploads/2019/03/File-Stamped-Complaint.pdf

Thanks for your assistance and that of the Administrator.

Thank you,
James C. Kenney
Cabinet Secretary
New Mexico Environment Department
1190 St. Francis Drive |Santa Fe, New Mexico 87505
Office: (505) 827-2855 Ex. (b)(6)
Twitter: @NMEnvDep | #IamNMED
www.env.nm.gov

This email, including attachments, is for the sole use of the intended recipient(s) and may contain confidential or privileged information. If you are not the intended recipient, kindly let me know and delete the message. Namaste.

From: Forsgren, Lee <Forsgren.Lee@epa.gov>
Sent: Thursday, March 28, 2019 8:29 AM
To: Kenney, James, NMENV <James.Kenney@state.nm.us>
Subject: [EXT] Follow up on our PFAS Conversation
Sensitivity: Private

Jim,

Could you send me the photos and any general background you have on the PFAS issues (particularly those regarding the lake Holloman and the issues near Cooper AFB) that we discussed when I was in Albuquerque Tuesday. We would really appreciate any known levels of PFAS levels that you have found.

Any assistance you could provide would be most helpful. I spoke to the Administrator about our discussion this morning and he wants the State of New Mexico to know that we stand ready to help but any information you could provide would be helpful..

Regards,
Lee

D. Lee Forsgren
Deputy Assistant Administrator
Office of Water
Environmental Protection Agency
1200 Pennsylvania, Avenue NW
Room 3219B WJC East Building
Washington, DC 20460
202-564-5700

Message

From: Ex. (b)(6)
Sent: 12/21/2018 2:14:20 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: High School Student Requesting Interview

Dear Mr. Jackson,

Good morning. My name is Ex. (b)(6) My team and I are currently filming a five-minute documentary for the C-SPAN StudentCam competition. We are researching how America's fast food industry satisfies our value of convenience. Furthermore, we seek to understand how the American fast food industry impacts the environment.

We are hoping to get footage of an interview with you or someone in your office who can help and are wondering if it would be possible to arrange a time to meet in the next few weeks. While an in-person interview would be ideal, an online-video conference would work well, too. It would truly be an honor to conduct it in person. I am happy to send you the questions in advance if that would be helpful. Thank you for your time.

Warm regards,

Ex. (b)(6)

Virus-free. www.avg.com

Message

From: Michels, Tom [thomas.michels@united.com]
Sent: 3/28/2019 3:06:14 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Celebrate with us!

Hi Ryan,

I hope this finds you well! I'm writing to invite you to the April 3rd Open House we are hosting to celebrate the ribbon-cutting for our new Washington office. Our CEO and his leadership team will be here for the occasion, and we would be delighted if you would be able to attend. Do you think you might have a chance to stop by?

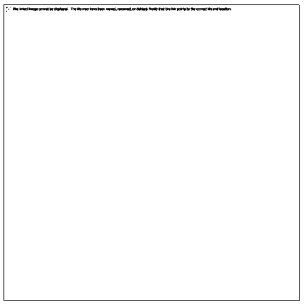
Thanks for considering!

All the best,
Tom

Tom Michels
Managing Director, Congressional Affairs

United | 815 Connecticut Ave. NW, Suite 500 | Washington, DC | 20006
Ex. (b)(6) | thomas.michels@united.com

united.com



Celebrate with us!
Please join United Airlines, CEO Oscar Munoz and members of our Executive Team for an open house to celebrate the opening of our new Washington office.

Wednesday, April 3, 2019
5:00 – 7:00 p.m.

United Airlines Government Affairs
815 Connecticut Ave. NW, Suite 500
Washington, D.C. 20006

Please RSVP to govt_affairs@united.com
by Thursday, March 28

This event has been planned in accordance with congressional gift rules so that Members of Congress and staff may accept free attendance. If you are a federal employee who is required to pay the fair market value of your attendance at the reception please contact govt_affairs@united.com.

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Message

From: Walker, Ryan [RYAN.WALKER@bp.com]
Sent: 12/19/2018 10:19:46 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Great to meet you...

Ryan:

Great running into you today at lunch!

Appreciate all that you and your team are doing at EPA!

Hope you have a Merry Christmas!

Please don't hesitate to reach out if I or BP can ever be helpful!

All the Best,

Ryan

Ryan P. Walker | Senior Director, U.S. Government Affairs | BP America, Inc.
1101 New York Avenue NW, Suite 700 | Washington, DC 20005
Ex. (b)(6) Email: Ryan.Walker@bp.com

Message

From: Ex. (b)(6)
Sent: 11/17/2018 12:54:07 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: Possible position

Sure thing! I'm free 12-1:30 and 2-4, but can shuffle things around if those times don't work.

Sent from my iPhone

> On Nov 16, 2018, at 6:56 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>
> Ex. (b)(6) I'm so very sorry for the delay in getting back with you. Can we connect Monday?
>
> -----Original Message-----
> From: Ex. (b)(6)
> Sent: Tuesday, October 30, 2018 4:27 PM
> To: Jackson, Ryan <jackson.ryan@epa.gov>
> Subject: RE: Possible position
>
> Hi Ryan,
> I just wanted to follow up on this. It seems like I don't have the optimal background for a position, but wanted to double check in case you wanted to discuss further.
> Thanks!
>
> Ex. 6
>
> -----Original Message-----
> From: Ex. (b)(6)
> Sent: Tuesday, August 21, 2018 7:00 PM
> To: jackson.ryan@epa.gov
> Subject: RE: Possible position
>
> Hi Ryan,
> I had a great conversation with Richard Yamada. Let me know if you need anything else on my end going forward.
> Ex. (b)(6)
>
> -----Original Message-----
> From: Ex. (b)(6)
> Sent: Tuesday, August 7, 2018 9:12 PM
> To: jackson.ryan@epa.gov
> Subject: Possible position
>
> Hi Ryan,
> Nick Rossi suggested I contact you about a possible position at EPA. I can be free to talk anytime this week, just let me know what works for you. My cell is Ex. 6
> Thanks,
> Ex. (b)(6)
>
> Sent from my iPhone

Message

From: Dave Ramey [dave@kadeshdc.com]
Sent: 9/21/2018 6:00:37 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Dickerson, Aaron [dickerson.aaron@epa.gov]; Dave Ramey [dave@kadeshdc.com]
Subject: Re: Meeting request for the Metropolitan Water District

Mr. Jackson,

I'm just checking in on this request on behalf of Metropolitan Water District.

If there is a particular format or process that I should use for submission, then I am happy to do so.

Thanks.

-Dave

Dave Ramey
Dave@kadeshdc.com
Ex. 6

On Sep 10, 2018, at 8:31 PM, Dave Ramey <dave@kadeshdc.com> wrote:

Mr. Jackson:

Per your exchange below with Dave Kennett (my successor in Chairman Calvert's office), I am requesting a meeting with Administrator Wheeler and staff as he may designate on behalf of the Metropolitan Water District of Southern California.

Meeting Request on behalf of the Metropolitan Water District of Southern California – MWD (Met).

Possible Meeting dates: October 1-3, 2018
Monday, October 1 between 2:00pm – 6:00pm
Tuesday, October 2 between 9:00am – 10:00am and 1:30pm – 6:00pm.
Wednesday, October 3 between 9:00am – noon.

Purpose of Meeting: To provide updates on the California WaterFix and discuss water infrastructure and financing (i.e. expansion and uses of WIFIA).

Expected meeting participants (names and titles): Mr. Randy Record, Chairman of Board for Metropolitan; Jeffrey Kightlinger, General Manager; Mr. Roger Patterson, Assistant General Manager for Strategic Water Initiatives; Ms. Dee Zinke, Assistant General Manager/Chief External Affairs Officer; Mr. Brad Hiltscher, Executive Legislative Representative; Meena Westford, Special Projects Manager; Mr. Mark Kadesh, President; and Mr. Dave Ramey, Principal – Kadesh & Associates.

Desired length of time for the meeting: 30 minutes.

Topic to be discussed: As the nation's largest municipal water agency (providing water to one in every 17 Americans), the Metropolitan Water District of Southern California (Metropolitan) sits at the confluence of major water policy issues that involve the federal government, specifically: Metropolitan is party to the Drought Contingency Plan negotiations with the seven basin states of the Colorado River and Mexico; is the largest contractor of the California State Water Project; **supports the innovative WIFIA** approach to infrastructure financing **and is a proponent of the Critical Infrastructure Conveyance Project known as California WaterFix.**

About 30 percent of the water that flows out of taps in Southern California comes from Northern California via the Sacramento-San Joaquin Delta. But the Delta's delivery system is badly outdated, a problem compounded by a declining ecosystem and 1,100-mile levee system that are both increasingly vulnerable. California WaterFix is a comprehensive solution proposed by state and federal agencies to ensure our state has a reliable water supply for many years to come. It would modernize the decades-old delivery system through the building of three new intakes in the northern Delta along with two tunnels to carry water to the existing aqueduct system in the southern Delta.

In July 2018, MWD's Board of Directors voted to financially support the California WaterFix project. Many other water agencies from all parts of the state including Southern California, the Bay Area, and the Central Valley have also voted to support the California WaterFix project.

Day of meeting POCs Contact information -
Ms. Dee Zinke, dzinke@mwdh2o.com Ex. 6
Mr. Dave Ramey, dave@kadeshdc.com Ex. 6

Background on imported water-
http://www.mwdh2o.com/AboutYourWater/Sources%20Of%20Supply/Pages/Imported.aspx

Background on California WaterFix-
http://www.californiawaterfix.com/
http://www.mwdh2o.com/DocSvcsPubs/WaterFix/

Background on storage and delivery-
http://www.mwdh2o.com/AboutYourWater/Storage-And-Delivery/Pages/default.aspxx

Thank you for your consideration of this request.

--Dave

Dave Ramey,
Principal
Kadesh & Associates
dave@kadeshdc.com
Ex. 6
www.kadeshdc.com
230 2nd St., SE
Washington, DC 20003

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Thursday, August 30, 2018 10:53 AM
To: Kennett, Dave <Dave.Kennett@mail.house.gov>
Cc: Dickerson, Aaron <dickerson.aaron@epa.gov>
Subject: RE: Meeting contact?

Yeah, have them reach out to Aaron and me. We'll take it from there. No worries.

From: Kennett, Dave [mailto:Dave.Kennett@mail.house.gov]
Sent: Thursday, August 30, 2018 1:25 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Meeting contact?

Hi Ryan,

Hate to bother you with this, but it seems you're my only contact at EPA now, more or less.

You're probably well aware of Metropolitan Water District of Southern California. They are the huge regional wholesaler out here in CA and integrally involved in everything related to water up and down the state. Their GM and the President of their Board are coming into DC Oct 2-3 and very much want to have a chance to meet Administrator Wheeler if at all possible. They haven't had the chance to do that yet. Calvert told them he'd help them out.

Who should I have their representative reach out to? I'd make email introductions to help speed things along.

I hope you're enjoying these last few days of August and got a chance for some down time.

Dave

Message

From: Natasha Eby [Ex. (b)(6)]
Sent: 9/27/2018 5:08:25 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: Thank You!

Hello, Ryan,

I hope you're Thursday is going well. I was wondering if you would have some time for me to call you either today or tomorrow? Just let me know what works.

Thank you!

Natasha Eby
[Ex. 6]

On Wed, Sep 12, 2018 at 5:10 PM Natasha Eby [Ex. 6] wrote:

Hi Ryan!

Thank you once again for meeting with me yesterday. I would also like to thank the Acting Administrator as well and hope you will share my email with him.

It was such a pleasure to meet the Acting Administrator and truly an honor. His reputation proceeds him, and I thoroughly enjoyed our conversation. As I mentioned in my interview yesterday, I enjoy the scheduling track because it provides me with a variety of challenges. No day is ever the same which means many times I have to think outside the box as I manage a multitude of responsibilities. As a Scheduler, I have the opportunity to use the skills I excel at most which include organization, being an effective communicator, and a strong gate keeper. What excited me most about potentially coming over to work for the Administrator's office is the ability for me to use my political savviness. In my current role with the House Judiciary Committee, as well in my previous roles, I mastered the art of applying tact, logic and common sense when dealing with Committee business. Additionally, I understand we are currently in a political climate that is unique and a certain level of confidentiality topped with an understanding of DC politics is vital to the Acting Administrator's success. More so now than ever, it is imperative he is surrounded by a good team. I am confident in my abilities as a principal scheduler, and would like to bring my talents to your office.
Thank you for taking time out of your busy day to interview me, and for this wonderful opportunity. I look forward to hearing from your office soon.

Sincerely,
Natasha Y. Eby

On Wed, Aug 15, 2018 at 3:02 PM Natasha Eby [Ex. 6] wrote:

Mr. Jackson,

Thank you for taking the time to meet with me yesterday to discuss the Scheduler and EA position at EPA. As I mentioned during my interview, I would like to join the Administration as a Political Appointee, and it would be an honor to continue my public service career working for Acting Director Wheeler.

I truly enjoy the scheduling and EA track as I get to work with so many different people and I am presented with a variety of challenges every day. I understand in this role, confidentiality as well as having a calm demeanor is very important. Not to mention being able to multi-task, anticipate needs, being observant, staying organized and getting to know all the players is vital to my success. I am confident I will do very well in this position and would very much enjoy working at the EPA.

I appreciate the time you took to interview me, and I look forward to hearing from you soon.

Sincerely,
Natasha Y. Eby

Message

From: Amy Harder [amy@axios.com]
Sent: 10/1/2018 9:29:36 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Inside big oil's emerging climate strategy

Inside big oil's emerging climate strategy

View this email in your browser

Good morning from London,

Good morning from London, where I'm speaking at a Hawthorn Club event, and later this week I'll be checking out some carbon-capture projects in Norway. My latest Harder Line column provides behind-the-scenes look at an invite-only event last week of the world's biggest oil-company CEOs talking about climate change.

ICYMI from last week:
Big oil walks tight rope on methane emissions
Scoop: Shell sits out Washington carbon fight

Cheers,

Amy

Inside big oil's emerging climate strategy

A nascent organization funded by global oil companies to address climate change may seem ironic — but it's a credible effort that could actually have a real impact.

Why it matters: Under pressure from investors and lawsuits, oil companies are starting to acknowledge climate change and slowly shift their business models in response.

The intrigue: Last week at the first-ever U.S. meeting of the group, called the Oil and Gas Climate Initiative, a rare and surprisingly candid discussion took place between CEOs of the world's biggest oil producers and leaders in climate-change action.

- At the invite-only event at the Intercontinental Barclay hotel in Manhattan, roughly 150 people asked questions of 11 oil-company

CEOs, including from Saudi Aramco, European producers BP and Shell and Houston-based Occidental Petroleum.

- The guest list was strict and security officers were everywhere. Leaders of several environmental groups were invited, and as the two-hour discussion wore on, the dialogue got increasingly pointed.

Nigel Topping, CEO of a nonprofit coalition called We Mean Business, noted (accurately) that the companies were still overwhelmingly investing in finding new oil and gas over cleaner energy resources — "lest you suggest you're really betting the farm on the future."

The other side:

- **Josu Jon Imaz,** CEO of Spanish producer Repsol, responded by saying he and other CEOs must balance transitioning to cleaner sources of energy over decades with returning short-term profits for shareholders. "The real dilemma and difficulty of all these jobs is to combine both things," Imaz said.
- **Patrick Pouyanné,** CEO of French producer Total, said cutting oil production too drastically would hurt the economy. "I don't want to be accused in 10 years — because I would have diminished my amount of oil — for hiking the price of oil because the world will continue to need more."

The big picture: The burning of fossil fuels oil and gas companies produce is a big reason Earth's temperature is rising, yet their products are also foundations of the global economy. Whether you love or hate them, the role these companies play is inherent to addressing climate change, particularly in the absence of U.S. presidential leadership on the issue.
The Oil and Gas Climate Initiative was officially founded four years ago, but it's just starting to do things worthy of attention.

- The first U.S. member companies — ExxonMobil, Chevron and Occidental Petroleum — joined last week. That brings the total to 13

companies, accounting for roughly a third of the world's oil and gas production.

- The companies also pledged last week to cut by one-fifth their emissions of methane, the main ingredient in natural gas that's also a potent greenhouse gas.

Each member contributes $100 million to Climate Investments, a $1.3 billion investment fund the group launched in November 2016. That effort has also had a slow start.

- Its CEO, Pratima Rangarajan, joined in June 2017, having previously worked on wind, solar and battery storage technologies.
- This time last year, the fund had made three investments. Today, it's at eight, with more to come, particularly on energy efficiency, according to Rhea Hamilton, who leads investment decisions.
- The fund's primary goal is to make the use of oil and natural gas as clean as possible, and also to capture carbon dioxide emitted from facilities like cement manufacturers and fossil-fuel plants.

Some environmentalists argue that the fund is just maintaining the status quo rather than transitioning to new sources of energy. To Rangarajan, its goals reflect a focus on the emissions that need to be reduced.

"I came into this job from the renewable sector," Rangarajan said at last week's event. "When I decided I was going to work on climate, I actually came to this side."

The initiative has limitations, driven by its makeup and mission.

- Its 13 member companies are a mix of publicly and government-owned companies that are natural competitors of each other. The group employs a lawyer to ensure they abide by antitrust laws.

- The group's stated mission excludes advocating for (or against) government policies like carbon prices.

Absent an overarching goal, some environmentalists say the initiative will, by design, fall far short. Fred Krupp, president of the Environmental Defense Fund, who attended last week's event, had cautious praise.

"I think each step has to be evaluated on its own merit. The first thing they started tackling when they were formed four years ago was methane, and they've taken that issue very seriously. We think they are doing good things with the billion-dollar fund. We will keep watching. We will keep encouraging."
Fred Krupp, Environmental Defense Fund President

Amy
energy reporter, Axios
Ex. (b)(6)
@AmyAHarder

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The Axios logo cannot be displayed. Tools may have been moved, removed, or deleted. Verify that the full pages to be moved do not exceed the sheet dimensions.

Message

From: Harvard Kennedy School [exed@hks.harvard.edu]
Sent: 4/4/2019 5:31:54 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Build Core Executive Leadership Skills at Harvard

Apply today for Senior Managers in Goverment

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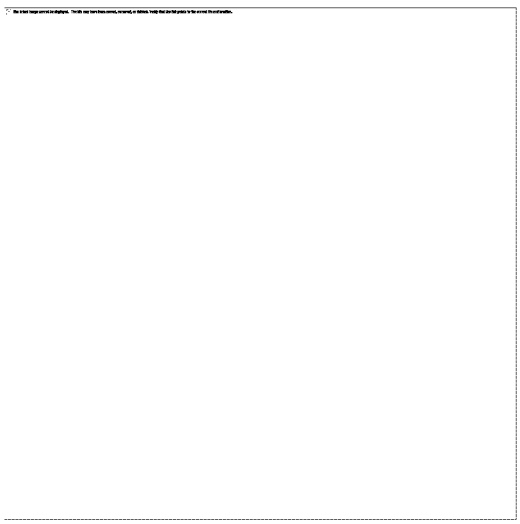

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This message sent to jackson.ryan@epa.gov from

exed@hks.harvard.edu | +1 617.496.9000
Harvard Kennedy School | Executive Education
79 JFK Street, Cambridge, MA 02138

Unsubscribe

Message

From: Rick Goss [rgoss@itic.org]
Sent: 9/18/2018 7:21:03 PM
To: Letendre, Daisy [letendre.daisy@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
Subject: RE: Smart Sectors Event w/ Administrator Wheeler

Hi Daisy,

Thank you for the invitation. Unfortunately, the entire environmental team and I will be in California that week hosting our annual fall environmental meeting for our members. I look forward to connecting separately to discuss Smart Sectors.

Best,
Rick

From: Letendre, Daisy <letendre.daisy@epa.gov>
Sent: Tuesday, September 18, 2018 2:41 PM
To: Letendre, Daisy <letendre.daisy@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Subject: Smart Sectors Event w/ Administrator Wheeler

Smart Sector Partners –

On behalf of the U.S. Environmental Protection Agency's (EPA) Acting Administrator Andrew Wheeler, we would like to invite the principal of your organization – or his/her designee – to attend our second annual EPA Smart Sectors roundtable. This event marks one year of Smart Sectors' work, and Acting Administrator Wheeler would like to share with you successes from the last year, engage in meaningful dialogue about agency priorities, and discuss environmental improvements across manufacturing sectors.

WHO: EPA Acting Administrator Andrew Wheeler and EPA's Smart Sectors Program Partners
Attendees may bring an additional representative.
WHAT: A roundtable meeting highlighting Smart Sectors Program successes and open discussion
WHEN: Tuesday, October 2, 2018 at 11:00AM
WHERE: U.S. EPA Headquarters – Rachel Carson Green Room
RSVP BY: September 27, 2018 to Letendre.Daisy@epa.gov

SCHEDULE
10:30 – 11:00AM
Coffee and Conversation

Open Press
11:00AM
Remarks from Acting Administrator Wheeler

Closed Press
11:20AM – Business Portion of Meeting*

12:00PM – Meeting Wraps

We will be following up with many of you individually in order to inform the business portion of the meeting.

Daisy C. Letendre
Senior Advisor for Policy and Strategic Communications
U.S. Environmental Protection Agency
Office of the Administrator
Office of Policy
202.564.0410 (O)
Ex. 6

Message

From: Hayly Humphreys [Ex. 6]
Sent: 9/19/2018 7:59:28 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Fwd: Thank you and Resume
Attachments: PPO Vetting Docs (Humphreys).pdf

Hi Ryan,

Here is the email I sent to Kaitlyn with salary estimations from my time in the Senate. I should note that 2018 estimated would now be [Ex. 6]. Just to clarify on the numbers below, I started in June 2014 so my base salary was [Ex. 6] per year, but my gross for 2014 was approximately [Ex. 6] Additionally, I receive a a student loan reimbursement of [Ex. 6] per month.

Please let me know if you need additional information.

Thanks!
Hayly

---------- Forwarded message ---------
From: **Hayly Humphreys** [Ex. 6]
Date: Fri, Aug 17, 2018 at 2:52 PM
Subject: Re: Thank you and Resume
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>

Thank you! I have attached the paperwork and provided the candidate information below.
Please let me know if you need anything else from me.

CANDIDATE INFORMATION (To be completed by applicant)

- **Name:** Martha Humphreys
- **Phone:** [Ex. 6]
- **Email:** [Ex. 6]
- **Date of Birth:** [Ex. 6]
- **Place of Birth:** [Ex. 6]
- **Current Address:** [Ex. 6]
- **Social Security Number:** [Ex. 6]
- **5 Year Salary History:**
  - **2018 (estimated):** [Ex. 6]
  - **2017:**
  - **2016:**
  - **2015:**
  - **2014:**

  [Ex. 6]

On Fri, Aug 17, 2018 at 11:16 AM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:

> Thanks Hayly, attached is the vetting docs for the White House if you could please fill them out and the candidate information below. Call me if you have any questions. Thanks!

CANDIDATE INFORMATION (To be completed by applicant)

- **Name:**
- **Phone:**
- **Email:**
- **Date of Birth:**
- **Place of Birth:**
- **Current Address:**
- **Social Security Number:**
- **5 Year Salary History:**
  - **2018 (estimated):**
  - **2017:**
  - **2016:**
  - **2015:**
  - **2014:**

Kaitlyn Shimmin

White House Liaison

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

O: (202) 564-4108

Ex. 6

Shimmin.Kaitlyn@epa.gov

From: Hayly Humphreys [mailto: Ex. 6
Sent: Friday, August 17, 2018 10:50 AM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: Thank you and Resume

Hi Kaitlyn,

It was great to meet you earlier this week! Thank you so much for taking the time to speak with me about the vacant scheduling position for Administrator Wheeler. I wanted to go ahead and send you my contact information and resume.

Thanks again, and please let me know if you need additional information.

Best,

Hayly

Message

From: Holland, Luke (Inhofe) [Luke_Holland@inhofe.senate.gov]
Sent: 9/17/2018 11:43:22 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Fwd: FUDS/CERCLA Draft Legislation
Attachments: DAV18F77.docx; ATT00001.htm; DAV18F77.pdf; ATT00002.htm

Literally just got this. Haven't looked at it.

Sent from my iPhone

Begin forwarded message:

> **From:** "Wright, Jennie (Inhofe)" <Jennie_Wright@inhofe.senate.gov>
> **Date:** September 17, 2018 at 7:42:43 PM EDT
> **To:** "Holland, Luke (Inhofe)" <Luke_Holland@inhofe.senate.gov>
> **Subject: Fwd: FUDS/CERCLA Draft Legislation**

> Begin forwarded message:

> > **From:** "Davis, Kevin (SLC)" <Kevin_Davis@slc.senate.gov>
> > **Date:** September 17, 2018 at 4:17:15 PM EDT
> > **To:** "Wright, Jennie (Inhofe)" <Jennie_Wright@inhofe.senate.gov>
> > **Cc:** "Mazzone, Mark (SLC)" <Mark_Mazzone@slc.senate.gov>
> > **Subject: FW: FUDS/CERCLA Draft Legislation**
> >
> > Jennie,
> >
> > I've attached a discussion draft of the requested legislation (DAV18F77). Mark Mazzone, an environmental drafter in our office, worked on the CERCLA portion of the bill.
> >
> > Let me or Mark know if you have any questions or need anything further.
> >
> > Thanks,
> > Kevin (4-6461)

Title: To facilitate the reuse of formerly used defense sites.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Formerly Used Defense Sites Utilization Act of 2018".

SEC. 2. PILOT PROGRAM TO USE COOPERATIVE AGREEMENTS AT FORMERLY USED DEFENSE SITES TO EXPEDITE REUSE.

Section 2701(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "into agreements" and inserting "into a cooperative agreement";

(2) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6), respectively;

(3) by inserting after paragraph (1) the following new paragraph:

"(2) PARTNERSHIP PROGRAM.—(A) The Secretary may enter into a cooperative agreement with the owner of a site formerly used by or under the jurisdiction of the Secretary (in this paragraph a 'site') to assume or share the costs to engage in a remedial action required because of the release, due to the activities of the Department of Defense, of a hazardous substance at the site.

"(B) A cooperative agreement under this paragraph shall—

"(i) promote the cost effectiveness and service delivery efficiency of such a remedial action;

"(ii) identify cost-saving service delivery alternatives that reduce the delay in performing the remedial action;

"(iii) provide an incentive for investment in the site using other than Federal appropriations; and

"(iv) reduce the risk to public safety by accelerating the remediation of the site.

"(C) In entering into a cooperative agreement under this paragraph, the Secretary shall—

"(i) publicly solicit from the owner of a site a proposal in which the owner is willing to enter into a cooperative agreement under this paragraph to assume or share the costs of remediation of the site;

"(ii) after a determination of best interest to the government, and at the request of the owner of a site, enter into a cooperative agreement with the owner under which the owner is provided with support, to include partial payments from the Department, in exchange for work to carry out the scope of the services of the cooperative agreement;

"(iii) seek to reduce the risk to public safety; and

"(iv) ensure the agreement is in the best interest of the United States.

"(D) The authority provided by this paragraph to enter into new cooperative agreements shall expire on September 30, 2021.";

(4) in paragraph (3), as redesignated by paragraph (2) of this section, by striking "An agreement with an agency under paragraph (1) may be for a period that begins in one fiscal year and ends in another fiscal year so long as the period of the agreement does not exceed two years. This two-year limitation does not apply to an agreement funded" and inserting "The document obligating funds for a cooperative agreement with an agency under paragraph (1) may be for a period that begins in one fiscal year and ends in another fiscal year so long as the period of the funding document does not exceed two years. This two-year limitation does not apply to a funding document funded"; and

(5) in paragraph (4), as redesignated by paragraph (1) of this section, by striking "An agreement" both places it appears and inserting "A cooperative agreement".

SEC. 3. COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980.

(a) Redeploy for Development Program.—Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604) is amended by adding at the end the following new subsection:

"(l) Redeploy for Development Program.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE ENTITY.—The term 'eligible entity' has the meaning given to the term in subsection (k)(1).

"(B) FORMERLY USED DEFENSE SITE.—The term 'formerly used defense site' means a site formerly used by, or under the jurisdiction of, the Secretary of Defense.

"(2) FORMERLY USED DEFENSE SITE CHARACTERIZATION AND ASSESSMENT GRANT PROGRAM.—

"(A) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program—

"(i) to provide grants to inventory, characterize, assess, and conduct planning related to formerly used defense sites under subparagraph (B); and

"(ii) to perform targeted site assessments at formerly used defense sites.

"(B) ASSISTANCE FOR SITE CHARACTERIZATION AND ASSESSMENT.—

"(i) IN GENERAL.—On approval of an application made by an eligible entity, the Administrator may make a grant to the eligible entity to be used for programs to inventory, characterize, assess, and conduct planning related to 1 or more formerly used defense sites.

"(ii) SITE CHARACTERIZATION AND ASSESSMENT.—A site characterization and assessment carried out with the use of a grant under clause (i) shall be performed in

accordance with section 101(35)(B).

"(C) EXEMPTION FOR CERTAIN PUBLICLY OWNED FORMERLY USED DEFENSE SITES.—[Notwithstanding paragraph (5)(B)(iii), an eligible entity described in any of subparagraphs (A) through (H) of subsection (k)(1) may receive a grant under this paragraph for property acquired by that eligible entity prior to [January 11, 2002], regardless of whether the eligible entity qualifies as a bona fide prospective purchaser, subject to the condition that the eligible entity shall not have caused or contributed to a release or threatened release of a hazardous substance at the property]. [SLC note: Given that all FUDS would be publicly owned, you may want to consult with CRS to see if this and similar provisions are still necessary. I've bracketed these types of provisions in this draft.]

"(3) GRANTS AND LOANS FOR FORMERLY USED DEFENSE SITE REMEDIATION.—

"(A) GRANTS PROVIDED BY THE PRESIDENT.—Subject to paragraphs (5) and (6), the President shall establish a program to provide grants to—

"(i) eligible entities, to be used for capitalization of revolving loan funds; and

"(ii) eligible entities or nonprofit organizations, as the President determines to be appropriate based on considerations under subparagraph (C), to be used directly for remediation of 1 or more formerly used defense sites owned by the eligible entity or organization that receives the grant and in amounts of not more than $500,000 for each formerly used defense site to be remediated, which limit may be waived by the Administrator, but not more than a total of $650,000 for each site, based on the anticipated level of contamination, size, or ownership status of the formerly used defense site.

"(B) LOANS AND GRANTS PROVIDED BY ELIGIBLE ENTITIES.—An eligible entity that receives a grant under subparagraph (A)(i) shall use the grant funds to provide assistance for the remediation of formerly used defense sites in the form of—

"(i) 1 or more loans to an eligible entity, a site owner, a site developer, or another person; or

"(ii) 1 or more grants to an eligible entity or other nonprofit organization, as the eligible entity providing the assistance determines to be appropriate, based on considerations under subparagraph (C), to remediate formerly used defense sites owned by the eligible entity or nonprofit organization that receives the grant.

"(C) CONSIDERATIONS.—In determining whether a grant under subparagraph (A)(ii) or (B)(ii) is warranted, the President or the eligible entity, as applicable, shall take into consideration—

"(i) the extent to which a grant will facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes;

"(ii) the extent to which a grant will meet the needs of a community that has an inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a formerly used defense site is located because of the small population or low income of the community;

"(iii) the extent to which a grant will facilitate the use or reuse of existing infrastructure;

"(iv) the benefit of promoting the long-term availability of funds from a revolving loan fund for formerly used defense site remediation; and

"(v) such other similar factors as the Administrator considers appropriate to achieve the purposes of this subsection.

"(D) TRANSITION.—Revolving loan funds that have been established before the date of enactment of this subsection may be used in accordance with this paragraph.

["(E) EXEMPTION FOR CERTAIN PUBLICLY OWNED FORMERLY USED DEFENSE SITES.—Notwithstanding paragraph (5)(B)(iii), an eligible entity described in any of subparagraphs (A) through (H) of subsection (k)(1) may receive a grant or loan under this paragraph for property acquired by that eligible entity prior to [January 11, 2002], regardless of whether the eligible entity qualifies as a bona fide prospective purchaser, subject to the condition that the eligible entity shall not have caused or contributed to a release or threatened release of a hazardous substance at the property.]

"(4) MULTIPURPOSE FORMERLY USED DEFENSE SITES GRANTS.—

"(A) IN GENERAL.—Subject to subparagraph (D) and paragraphs (5) and (6), the Administrator shall establish a program to provide multipurpose grants to an eligible entity based on the criteria under subparagraph (C) and the considerations under paragraph (3)(C), to carry out inventory, characterization, assessment, planning, or remediation activities at 1 or more formerly used defense sites in an area proposed by the eligible entity.

"(B) GRANT AMOUNTS.—

"(i) INDIVIDUAL GRANT AMOUNTS.—Each grant awarded under this paragraph shall not exceed $1,000,000.

"(ii) CUMULATIVE GRANT AMOUNTS.—The total amount of grants awarded for each fiscal year under this paragraph may not exceed 15 percent of the funds made available for the fiscal year to carry out this subsection.

"(C) CRITERIA.—In awarding a grant under this paragraph, the Administrator shall consider the extent to which the eligible entity is able—

"(i) to provide an overall plan for revitalization of the 1 or more formerly used defense sites in the proposed area in which the multipurpose grant will be used;

"(ii) to demonstrate a capacity to conduct the range of eligible activities that will be funded by the multipurpose grant; and

"(iii) to demonstrate that a multipurpose grant will meet the needs of the 1 or more formerly used defense sites in the proposed area.

"(D) CONDITION.—As a condition of receiving a grant under this paragraph, each eligible entity shall expend the full amount of the grant by not later than the date that is 5 years after the date on which the grant is awarded to the eligible entity, unless the Administrator provides an extension.

"(E) OWNERSHIP.—An eligible entity that receives a grant under this paragraph may not expend any of the grant funds for the remediation of a formerly used defense site unless the eligible entity owns the formerly used defense site.

"(5) GENERAL PROVISIONS.—

"(A) MAXIMUM GRANT AMOUNT.—

"(i) FORMERLY USED DEFENSE SITE CHARACTERIZATION AND ASSESSMENT.—

"(I) IN GENERAL.—A grant under paragraph (2)—

"(aa) may be awarded to an eligible entity on a community-wide or site-by-site basis; and

"(bb) shall not exceed, for any individual formerly used defense site covered by the grant, $200,000.

"(II) WAIVER.—The Administrator may waive the $200,000 limitation under subclause (I)(bb) to permit the formerly used defense site to receive a grant of not more than $350,000, based on the anticipated level of contamination, size, or status of ownership of the formerly used defense site.

"(ii) FORMERLY USED DEFENSE SITE REMEDIATION.—

"(I) IN GENERAL.—A grant under paragraph (3)(A)(i) may be awarded to an eligible entity on a community-wide or site-by-site basis, in an amount equal to not more than $1,000,000 per eligible entity.

"(II) ADDITIONAL GRANTS.—The Administrator may make an additional grant to an eligible entity described in subclause (I) for any year after the year for which the initial grant is made, taking into consideration—

"(aa) the number of formerly used defense sites and number of communities that are addressed by the revolving loan fund;

"(bb) the demand for funding by eligible entities that have not previously received a grant under this subsection;

"(cc) the demonstrated ability of the eligible entity to use the revolving loan fund to enhance remediation and provide funds on a continuing basis; and

"(dd) such other similar factors as the Administrator considers appropriate to carry out this subsection.

"(B) PROHIBITION.—No part of a grant or loan under this subsection may be used for the payment of—

"(i) a penalty or fine;

"(ii) a Federal cost-share requirement;

"(iii) a response cost at a formerly used defense site for which the recipient of the grant or loan is potentially liable under section 107; or

"(iv) a cost of compliance with any Federal law (including a Federal law

specified in section 101(39)(B)), excluding the cost of compliance with laws applicable to the cleanup.

"(C) ASSISTANCE FOR DEVELOPMENT OF LOCAL GOVERNMENT SITE REMEDIATION PROGRAMS.—A local government that receives a grant under this subsection may use not more than 10 percent of the grant funds to develop and implement a formerly used defense site program that may include—

"(i) monitoring the health of populations exposed to 1 or more hazardous substances from a formerly used defense site; and

"(ii) monitoring and enforcement of any institutional control used to prevent human exposure to any hazardous substance from a formerly used defense site.

"(D) INSURANCE.—A recipient of a grant or loan awarded under paragraph (2), (3), or (4) that performs a characterization, assessment, or remediation of a formerly used defense site may use a portion of the grant or loan to purchase insurance for the characterization, assessment, or remediation of that formerly used defense site.

"(E) ADMINISTRATIVE COSTS.—

"(i) IN GENERAL.—An eligible entity may use up to 5 percent of the amounts made available under a grant or loan under this subsection for administrative costs.

"(ii) RESTRICTION.—For purposes of clause (i), the term 'administrative costs' does not include—

"(I) investigation and identification of the extent of contamination of a formerly used defense site;

"(II) design and performance of a response action; or

"(III) monitoring of a natural resource.

"(6) GRANT APPLICATIONS.—

"(A) SUBMISSION.—

"(i) IN GENERAL.—

"(I) APPLICATION.—An eligible entity may submit to the Administrator, through a regional office of the Environmental Protection Agency and in such form as the Administrator may require, an application for a grant under this subsection for 1 or more formerly used defense sites (including information on the criteria used by the Administrator to rank applications under subparagraph (C), to the extent that the information is available).

"(II) NCP REQUIREMENTS.—The Administrator may include in any requirement for submission of an application under subclause (I) a requirement of the national contingency plan only to the extent that the requirement is relevant and appropriate to the program under this subsection.

"(ii) COORDINATION.—The Administrator shall coordinate with other Federal agencies to assist in making eligible entities aware of other available Federal resources.

"(iii) GUIDANCE.—The Administrator shall publish guidance to assist eligible entities in applying for grants under this subsection.

"(B) APPROVAL.—The Administrator shall—

"(i) at least annually, complete a review of applications for grants that are received from eligible entities under this subsection; and

"(ii) award grants under this subsection to eligible entities that the Administrator determines have the highest rankings under the ranking criteria established under subparagraph (C).

"(C) RANKING CRITERIA.—The Administrator shall establish a system for ranking grant applications received under this paragraph that includes the following criteria:

"(i) The extent to which a grant will stimulate the availability of other funds for environmental assessment or remediation, and subsequent reuse, of an area in which 1 or more formerly used defense sites are located.

"(ii) The potential of the proposed project or the development plan for an area in which 1 or more formerly used defense sites are located to stimulate economic development of the area on completion of the cleanup.

"(iii) The extent to which a grant would address or facilitate the identification and reduction of threats to human health and the environment, including threats in areas in which there is a greater-than-normal incidence of diseases or conditions (including cancer, asthma, or birth defects) that may be associated with exposure to hazardous substances, pollutants, or contaminants.

"(iv) The extent to which a grant would facilitate the use or reuse of existing infrastructure.

"(v) The extent to which a grant would facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes.

"(vi) The extent to which a grant would meet the needs of a community that has an inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a formerly used defense site is located because of the small population or low income of the community.

"(vii) The extent to which the applicant is eligible for funding from other sources.

"(viii) The extent to which a grant will further the fair distribution of funding between urban and nonurban areas.

"(ix) The extent to which the grant provides for involvement of the local community in the process of making decisions relating to cleanup and future use of a formerly used defense site.

"(x) The extent to which a grant would address or facilitate the identification and reduction of threats to the health or welfare of children, pregnant women, minority or low-income communities, or other sensitive populations.

"(xi) The extent to which a grant would address a site adjacent to a body of water or a federally designated flood plain.

"(xii) The extent to which a grant would facilitate—

"(I) the location at a formerly used defense site of a facility that generates renewable electricity from wind, solar, or geothermal energy; or

"(II) any energy efficiency improvement project at a formerly used defense site, including a project for a combined heat and power system or a district energy system.

"(D) REPORT ON RANKING CRITERIA.—Not later than September 30, 2022, the Administrator shall submit to Congress a report regarding the use by the Administrator of the ranking criteria described in subparagraph (C) in awarding grants under this subsection.

"(7) IMPLEMENTATION OF FORMERLY USED DEFENSE SITES PROGRAMS.—

"(A) ESTABLISHMENT OF PROGRAM.—The Administrator may provide, or fund eligible entities or nonprofit organizations to provide, training, research, and technical assistance to individuals and organizations, as appropriate, to facilitate the inventory of formerly used defense sites, site assessments, remediation of formerly used defense sites, community involvement, or site preparation.

"(B) FUNDING RESTRICTIONS.—The total Federal funds to be expended by the Administrator under this paragraph shall not exceed 15 percent of the total amount appropriated to carry out this subsection in any fiscal year.

"(8) AUDITS.—

"(A) IN GENERAL.—The Inspector General of the Environmental Protection Agency shall conduct such reviews or audits of grants and loans under this subsection as the Inspector General considers necessary to carry out this subsection.

"(B) PROCEDURE.—An audit under this subparagraph shall be conducted in accordance with the auditing procedures of the Government Accountability Office, including chapter 75 of title 31, United States Code.

"(C) VIOLATIONS.—If the Administrator determines that a person that receives a grant or loan under this subsection has violated or is in violation of a condition of the grant, loan, or applicable Federal law, the Administrator may—

"(i) terminate the grant or loan;

"(ii) require the person to repay any funds received; and

"(iii) seek any other legal remedies available to the Administrator.

"(D) REPORT TO CONGRESS.—Not later than September 30, 2022, the Inspector General of the Environmental Protection Agency shall submit to Congress a report that provides a description of the management of the program (including a description of the allocation of funds) under this subsection.

"(9) LEVERAGING.—An eligible entity that receives a grant under this subsection may use the grant funds for a portion of a project at a formerly used defense site for which funding is

received from other sources if the grant funds are used only for the purposes described in paragraph (2), (3), or (4).

"(10) AGREEMENTS.—Each grant or loan made under this subsection shall—

"(A) include a requirement of the national contingency plan only to the extent that the requirement is relevant and appropriate to the program under this subsection, as determined by the Administrator; and

"(B) be subject to an agreement that—

"(i) requires the recipient to—

"(I) comply with all applicable Federal and State laws; and

"(II) ensure that the cleanup protects human health and the environment;

"(ii) requires that the recipient use the grant or loan exclusively for purposes specified in paragraph (2), (3), or (4), as applicable;

"(iii) in the case of an application by an eligible entity under paragraph (3)(A), requires the eligible entity to pay a matching share (which may be in the form of a contribution of labor, material, or services) of at least 20 percent, from non-Federal sources of funding, unless the Administrator determines that the matching share would place an undue hardship on the eligible entity; and

"(iv) contains such other terms and conditions as the Administrator determines to be necessary to carry out this subsection.

["(11) FACILITY OTHER THAN FORMERLY USED DEFENSE SITE.—The fact that a facility may not be a formerly used defense site within the meaning of paragraph (1) has no effect on the eligibility of the facility for assistance under any other provision of Federal law.]

"(12) EFFECT ON FEDERAL LAWS.—Nothing in this subsection affects any liability or response authority under any Federal law, including—

"(A) this Act (including the last sentence of section 101(14));

"(B) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

"(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(D) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

"(E) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

"(13) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $200,000,000 for each of fiscal years 2019 through 2023.".

(b) Liability Under CERCLA.—Section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620) is amended by adding at the end the following new subsection:

"(k) Formerly Used Defense Sites.—

"(1) DEFINITION OF FORMERLY USED DEFENSE SITE.—In this subsection, the term 'formerly used defense site' has the meaning given to the term in section 104(l)(1).

1 "(2) LIABILITY UNDER THIS ACT.—Notwithstanding any other provision of this Act, a [bona
2 fide prospective purchaser] of a formerly used defense site that purchases the formerly used
3 defense site, or otherwise has the formerly used defense site transferred to the bona fide
4 prospective purchaser, to remediate the formerly used defense site shall not be liable under
5 section 107 or any other provisions of this Act. [SLC note: You may want to discuss with
6 CRS to see if there would be any unintended consequences from a blanket lifting of liability
7 in this form.]".

115TH CONGRESS
2D SESSION

S. _____

To facilitate the reuse of formerly used defense sites.

IN THE SENATE OF THE UNITED STATES

Mr. INHOFE introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To facilitate the reuse of formerly used defense sites.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Formerly Used Defense Sites Utilization Act of 2018".

SEC. 2. PILOT PROGRAM TO USE COOPERATIVE AGREEMENTS AT FORMERLY USED DEFENSE SITES TO EXPEDITE REUSE.

Section 2701(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "into agreements" and inserting "into a cooperative agreement";

(2) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6), respectively;

(3) by inserting after paragraph (1) the following new paragraph:

"(2) PARTNERSHIP PROGRAM.—(A) The Secretary may enter into a cooperative agreement with the owner of a site formerly used by or under the jurisdiction of the Secretary (in this paragraph a 'site') to assume or share the costs to engage in a remedial action required because of the release, due to the activities of the Department of Defense, of a hazardous substance at the site.

"(B) A cooperative agreement under this paragraph shall—

"(i) promote the cost effectiveness and service delivery efficiency of such a remedial action;

"(ii) identify cost-saving service delivery alternatives that reduce the delay in performing the remedial action;

1 "(iii) provide an incentive for investment in
2 the site using other than Federal appropria-
3 tions; and
4 "(iv) reduce the risk to public safety by ac-
5 celerating the remediation of the site.
6 "(C) In entering into a cooperative agreement
7 under this paragraph, the Secretary shall—
8 "(i) publicly solicit from the owner of a
9 site a proposal in which the owner is willing to
10 enter into a cooperative agreement under this
11 paragraph to assume or share the costs of re-
12 mediation of the site;
13 "(ii) after a determination of best interest
14 to the government, and at the request of the
15 owner of a site, enter into a cooperative agree-
16 ment with the owner under which the owner is
17 provided with support, to include partial pay-
18 ments from the Department, in exchange for
19 work to carry out the scope of the services of
20 the cooperative agreement;
21 "(iii) seek to reduce the risk to public safe-
22 ty; and
23 "(iv) ensure the agreement is in the best
24 interest of the United States.

"(D) The authority provided by this paragraph to enter into new cooperative agreements shall expire on September 30, 2021.";

(4) in paragraph (3), as redesignated by paragraph (2) of this section, by striking "An agreement with an agency under paragraph (1) may be for a period that begins in one fiscal year and ends in another fiscal year so long as the period of the agreement does not exceed two years. This two-year limitation does not apply to an agreement funded" and inserting "The document obligating funds for a cooperative agreement with an agency under paragraph (1) may be for a period that begins in one fiscal year and ends in another fiscal year so long as the period of the funding document does not exceed two years. This two-year limitation does not apply to a funding document funded"; and

(5) in paragraph (4), as redesignated by paragraph (1) of this section, by striking "An agreement" both places it appears and inserting "A cooperative agreement".

SEC. 3. COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980.

(a) REDEPLOY FOR DEVELOPMENT PROGRAM.—Section 104 of the Comprehensive Environmental Response,

1 Compensation, and Liability Act of 1980 (42 U.S.C.
2 9604) is amended by adding at the end the following new
3 subsection:

4 "(l) REDEPLOY FOR DEVELOPMENT PROGRAM.—

5 "(1) DEFINITIONS.—In this subsection:

6 "(A) ELIGIBLE ENTITY.—The term 'eligi-
7 ble entity' has the meaning given to the term
8 in subsection (k)(1).

9 "(B) FORMERLY USED DEFENSE SITE.—
10 The term 'formerly used defense site' means a
11 site formerly used by, or under the jurisdiction
12 of, the Secretary of Defense.

13 "(2) FORMERLY USED DEFENSE SITE CHARAC-
14 TERIZATION AND ASSESSMENT GRANT PROGRAM.—

15 "(A) ESTABLISHMENT OF PROGRAM.—The
16 Administrator shall establish a program—

17 "(i) to provide grants to inventory,
18 characterize, assess, and conduct planning
19 related to formerly used defense sites
20 under subparagraph (B); and

21 "(ii) to perform targeted site assess-
22 ments at formerly used defense sites.

23 "(B) ASSISTANCE FOR SITE CHARACTER-
24 IZATION AND ASSESSMENT.—

"(i) IN GENERAL.—On approval of an application made by an eligible entity, the Administrator may make a grant to the eligible entity to be used for programs to inventory, characterize, assess, and conduct planning related to 1 or more formerly used defense sites.

"(ii) SITE CHARACTERIZATION AND ASSESSMENT.—A site characterization and assessment carried out with the use of a grant under clause (i) shall be performed in accordance with section 101(35)(B).

"(C) EXEMPTION FOR CERTAIN PUBLICLY OWNED FORMERLY USED DEFENSE SITES.—[Notwithstanding paragraph (5)(B)(iii), an eligible entity described in any of subparagraphs (A) through (H) of subsection (k)(1) may receive a grant under this paragraph for property acquired by that eligible entity prior to [January 11, 2002], regardless of whether the eligible entity qualifies as a bona fide prospective purchaser, subject to the condition that the eligible entity shall not have caused or contributed to a release or threatened release of a hazardous substance at the property]. [SLC note:

1 Given that all FUDS would be publicly owned,
2 you may want to consult with CRS to see if this
3 and similar provisions are still necessary. I've
4 bracketed these types of provisions in this
5 draft.]
6 "(3) GRANTS AND LOANS FOR FORMERLY USED
7 DEFENSE SITE REMEDIATION.—
8 "(A) GRANTS PROVIDED BY THE PRESI-
9 DENT.—Subject to paragraphs (5) and (6), the
10 President shall establish a program to provide
11 grants to—
12 "(i) eligible entities, to be used for
13 capitalization of revolving loan funds; and
14 "(ii) eligible entities or nonprofit orga-
15 nizations, as the President determines to
16 be appropriate based on considerations
17 under subparagraph (C), to be used di-
18 rectly for remediation of 1 or more for-
19 merly used defense sites owned by the eli-
20 gible entity or organization that receives
21 the grant and in amounts of not more than
22 $500,000 for each formerly used defense
23 site to be remediated, which limit may be
24 waived by the Administrator, but not more
25 than a total of $650,000 for each site,

1 based on the anticipated level of contami-
2 nation, size, or ownership status of the for-
3 merly used defense site.
4 "(B) LOANS AND GRANTS PROVIDED BY
5 ELIGIBLE ENTITIES.—An eligible entity that re-
6 ceives a grant under subparagraph (A)(i) shall
7 use the grant funds to provide assistance for
8 the remediation of formerly used defense sites
9 in the form of—
10 "(i) 1 or more loans to an eligible en-
11 tity, a site owner, a site developer, or an-
12 other person; or
13 "(ii) 1 or more grants to an eligible
14 entity or other nonprofit organization, as
15 the eligible entity providing the assistance
16 determines to be appropriate, based on
17 considerations under subparagraph (C), to
18 remediate formerly used defense sites
19 owned by the eligible entity or nonprofit
20 organization that receives the grant.
21 "(C) CONSIDERATIONS.—In determining
22 whether a grant under subparagraph (A)(ii) or
23 (B)(ii) is warranted, the President or the eligi-
24 ble entity, as applicable, shall take into consid-
25 eration—

1 "(i) the extent to which a grant will
2 facilitate the creation of, preservation of,
3 or addition to a park, a greenway, undevel-
4 oped property, recreational property, or
5 other property used for nonprofit purposes;
6 "(ii) the extent to which a grant will
7 meet the needs of a community that has
8 an inability to draw on other sources of
9 funding for environmental remediation and
10 subsequent redevelopment of the area in
11 which a formerly used defense site is lo-
12 cated because of the small population or
13 low income of the community;
14 "(iii) the extent to which a grant will
15 facilitate the use or reuse of existing infra-
16 structure;
17 "(iv) the benefit of promoting the
18 long-term availability of funds from a re-
19 volving loan fund for formerly used defense
20 site remediation; and
21 "(v) such other similar factors as the
22 Administrator considers appropriate to
23 achieve the purposes of this subsection.
24 "(D) TRANSITION.—Revolving loan funds
25 that have been established before the date of

1 enactment of this subsection may be used in ac-
2 cordance with this paragraph.
3 [“(E) EXEMPTION FOR CERTAIN PUB-
4 LICLY OWNED FORMERLY USED DEFENSE
5 SITES.—Notwithstanding paragraph (5)(B)(iii),
6 an eligible entity described in any of subpara-
7 graphs (A) through (H) of subsection (k)(1)
8 may receive a grant or loan under this para-
9 graph for property acquired by that eligible en-
10 tity prior to [January 11, 2002], regardless of
11 whether the eligible entity qualifies as a bona
12 fide prospective purchaser, subject to the condi-
13 tion that the eligible entity shall not have
14 caused or contributed to a release or threatened
15 release of a hazardous substance at the prop-
16 erty.]
17 “(4) MULTIPURPOSE FORMERLY USED DE-
18 FENSE SITES GRANTS.—
19 “(A) IN GENERAL.—Subject to subpara-
20 graph (D) and paragraphs (5) and (6), the Ad-
21 ministrator shall establish a program to provide
22 multipurpose grants to an eligible entity based
23 on the criteria under subparagraph (C) and the
24 considerations under paragraph (3)(C), to carry
25 out inventory, characterization, assessment,

1 planning, or remediation activities at 1 or more
2 formerly used defense sites in an area proposed
3 by the eligible entity.
4 "(B) GRANT AMOUNTS.—
5 "(i) INDIVIDUAL GRANT AMOUNTS.—
6 Each grant awarded under this paragraph
7 shall not exceed $1,000,000.
8 "(ii) CUMULATIVE GRANT
9 AMOUNTS.—The total amount of grants
10 awarded for each fiscal year under this
11 paragraph may not exceed 15 percent of
12 the funds made available for the fiscal year
13 to carry out this subsection.
14 "(C) CRITERIA.—In awarding a grant
15 under this paragraph, the Administrator shall
16 consider the extent to which the eligible entity
17 is able—
18 "(i) to provide an overall plan for re-
19 vitalization of the 1 or more formerly used
20 defense sites in the proposed area in which
21 the multipurpose grant will be used;
22 "(ii) to demonstrate a capacity to con-
23 duct the range of eligible activities that
24 will be funded by the multipurpose grant;
25 and

"(iii) to demonstrate that a multipurpose grant will meet the needs of the 1 or more formerly used defense sites in the proposed area.

"(D) CONDITION.—As a condition of receiving a grant under this paragraph, each eligible entity shall expend the full amount of the grant by not later than the date that is 5 years after the date on which the grant is awarded to the eligible entity, unless the Administrator provides an extension.

"(E) OWNERSHIP.—An eligible entity that receives a grant under this paragraph may not expend any of the grant funds for the remediation of a formerly used defense site unless the eligible entity owns the formerly used defense site.

"(5) GENERAL PROVISIONS.—

"(A) MAXIMUM GRANT AMOUNT.—

"(i) FORMERLY USED DEFENSE SITE CHARACTERIZATION AND ASSESSMENT.—

"(I) IN GENERAL.—A grant under paragraph (2)—

"(aa) may be awarded to an eligible entity on a community-wide or site-by-site basis; and

"(bb) shall not exceed, for any individual formerly used defense site covered by the grant, $200,000.

"(II) WAIVER.—The Administrator may waive the $200,000 limitation under subclause (I)(bb) to permit the formerly used defense site to receive a grant of not more than $350,000, based on the anticipated level of contamination, size, or status of ownership of the formerly used defense site.

"(ii) FORMERLY USED DEFENSE SITE REMEDIATION.—

"(I) IN GENERAL.—A grant under paragraph (3)(A)(i) may be awarded to an eligible entity on a community-wide or site-by-site basis, in an amount equal to not more than $1,000,000 per eligible entity.

1 "(II) ADDITIONAL GRANTS.—The
2 Administrator may make an addi-
3 tional grant to an eligible entity de-
4 scribed in subclause (I) for any year
5 after the year for which the initial
6 grant is made, taking into consider-
7 ation—
8 "(aa) the number of for-
9 merly used defense sites and
10 number of communities that are
11 addressed by the revolving loan
12 fund;
13 "(bb) the demand for fund-
14 ing by eligible entities that have
15 not previously received a grant
16 under this subsection;
17 "(cc) the demonstrated abil-
18 ity of the eligible entity to use
19 the revolving loan fund to en-
20 hance remediation and provide
21 funds on a continuing basis; and
22 "(dd) such other similar fac-
23 tors as the Administrator con-
24 siders appropriate to carry out
25 this subsection.

1 "(B) PROHIBITION.—No part of a grant or
2 loan under this subsection may be used for the
3 payment of—
4 "(i) a penalty or fine;
5 "(ii) a Federal cost-share require-
6 ment;
7 "(iii) a response cost at a formerly
8 used defense site for which the recipient of
9 the grant or loan is potentially liable under
10 section 107; or
11 "(iv) a cost of compliance with any
12 Federal law (including a Federal law speci-
13 fied in section 101(39)(B)), excluding the
14 cost of compliance with laws applicable to
15 the cleanup.
16 "(C) ASSISTANCE FOR DEVELOPMENT OF
17 LOCAL GOVERNMENT SITE REMEDIATION PRO-
18 GRAMS.—A local government that receives a
19 grant under this subsection may use not more
20 than 10 percent of the grant funds to develop
21 and implement a formerly used defense site pro-
22 gram that may include—
23 "(i) monitoring the health of popu-
24 lations exposed to 1 or more hazardous

1 substances from a formerly used defense
2 site; and
3 "(ii) monitoring and enforcement of
4 any institutional control used to prevent
5 human exposure to any hazardous sub-
6 stance from a formerly used defense site.
7 "(D) INSURANCE.—A recipient of a grant
8 or loan awarded under paragraph (2), (3), or
9 (4) that performs a characterization, assess-
10 ment, or remediation of a formerly used defense
11 site may use a portion of the grant or loan to
12 purchase insurance for the characterization, as-
13 sessment, or remediation of that formerly used
14 defense site.
15 "(E) ADMINISTRATIVE COSTS.—
16 "(i) IN GENERAL.—An eligible entity
17 may use up to 5 percent of the amounts
18 made available under a grant or loan
19 under this subsection for administrative
20 costs.
21 "(ii) RESTRICTION.—For purposes of
22 clause (i), the term 'administrative costs'
23 does not include—

1 "(I) investigation and identifica-
2 tion of the extent of contamination of
3 a formerly used defense site;
4 "(II) design and performance of
5 a response action; or
6 "(III) monitoring of a natural re-
7 source.
8 "(6) GRANT APPLICATIONS.—
9 "(A) SUBMISSION.—
10 "(i) IN GENERAL.—
11 "(I) APPLICATION.—An eligible
12 entity may submit to the Adminis-
13 trator, through a regional office of the
14 Environmental Protection Agency and
15 in such form as the Administrator
16 may require, an application for a
17 grant under this subsection for 1 or
18 more formerly used defense sites (in-
19 cluding information on the criteria
20 used by the Administrator to rank ap-
21 plications under subparagraph (C), to
22 the extent that the information is
23 available).
24 "(II) NCP REQUIREMENTS.—
25 The Administrator may include in any

1 requirement for submission of an ap-
2 plication under subclause (I) a re-
3 quirement of the national contingency
4 plan only to the extent that the re-
5 quirement is relevant and appropriate
6 to the program under this subsection.
7 "(ii) COORDINATION.—The Adminis-
8 trator shall coordinate with other Federal
9 agencies to assist in making eligible enti-
10 ties aware of other available Federal re-
11 sources.
12 "(iii) GUIDANCE.—The Administrator
13 shall publish guidance to assist eligible en-
14 tities in applying for grants under this
15 subsection.
16 "(B) APPROVAL.—The Administrator
17 shall—
18 "(i) at least annually, complete a re-
19 view of applications for grants that are re-
20 ceived from eligible entities under this sub-
21 section; and
22 "(ii) award grants under this sub-
23 section to eligible entities that the Admin-
24 istrator determines have the highest

1 rankings under the ranking criteria estab-
2 lished under subparagraph (C).
3 "(C) RANKING CRITERIA.—The Adminis-
4 trator shall establish a system for ranking
5 grant applications received under this para-
6 graph that includes the following criteria:
7 "(i) The extent to which a grant will
8 stimulate the availability of other funds for
9 environmental assessment or remediation,
10 and subsequent reuse, of an area in which
11 1 or more formerly used defense sites are
12 located.
13 "(ii) The potential of the proposed
14 project or the development plan for an
15 area in which 1 or more formerly used de-
16 fense sites are located to stimulate eco-
17 nomic development of the area on comple-
18 tion of the cleanup.
19 "(iii) The extent to which a grant
20 would address or facilitate the identifica-
21 tion and reduction of threats to human
22 health and the environment, including
23 threats in areas in which there is a great-
24 er-than-normal incidence of diseases or
25 conditions (including cancer, asthma, or

1 birth defects) that may be associated with
2 exposure to hazardous substances, pollut-
3 ants, or contaminants.
4 "(iv) The extent to which a grant
5 would facilitate the use or reuse of existing
6 infrastructure.
7 "(v) The extent to which a grant
8 would facilitate the creation of, preserva-
9 tion of, or addition to a park, a greenway,
10 undeveloped property, recreational prop-
11 erty, or other property used for nonprofit
12 purposes.
13 "(vi) The extent to which a grant
14 would meet the needs of a community that
15 has an inability to draw on other sources
16 of funding for environmental remediation
17 and subsequent redevelopment of the area
18 in which a formerly used defense site is lo-
19 cated because of the small population or
20 low income of the community.
21 "(vii) The extent to which the appli-
22 cant is eligible for funding from other
23 sources.

1 "(viii) The extent to which a grant
2 will further the fair distribution of funding
3 between urban and nonurban areas.
4 "(ix) The extent to which the grant
5 provides for involvement of the local com-
6 munity in the process of making decisions
7 relating to cleanup and future use of a for-
8 merly used defense site.
9 "(x) The extent to which a grant
10 would address or facilitate the identifica-
11 tion and reduction of threats to the health
12 or welfare of children, pregnant women,
13 minority or low-income communities, or
14 other sensitive populations.
15 "(xi) The extent to which a grant
16 would address a site adjacent to a body of
17 water or a federally designated flood plain.
18 "(xii) The extent to which a grant
19 would facilitate—
20 "(I) the location at a formerly
21 used defense site of a facility that
22 generates renewable electricity from
23 wind, solar, or geothermal energy; or
24 "(II) any energy efficiency im-
25 provement project at a formerly used

1 defense site, including a project for a
2 combined heat and power system or a
3 district energy system.
4 "(D) REPORT ON RANKING CRITERIA.—
5 Not later than September 30, 2022, the Admin-
6 istrator shall submit to Congress a report re-
7 garding the use by the Administrator of the
8 ranking criteria described in subparagraph (C)
9 in awarding grants under this subsection.
10 "(7) IMPLEMENTATION OF FORMERLY USED
11 DEFENSE SITES PROGRAMS.—
12 "(A) ESTABLISHMENT OF PROGRAM.—The
13 Administrator may provide, or fund eligible en-
14 tities or nonprofit organizations to provide,
15 training, research, and technical assistance to
16 individuals and organizations, as appropriate, to
17 facilitate the inventory of formerly used defense
18 sites, site assessments, remediation of formerly
19 used defense sites, community involvement, or
20 site preparation.
21 "(B) FUNDING RESTRICTIONS.—The total
22 Federal funds to be expended by the Adminis-
23 trator under this paragraph shall not exceed 15
24 percent of the total amount appropriated to
25 carry out this subsection in any fiscal year.

1 "(8) AUDITS.—
2 "(A) IN GENERAL.—The Inspector General
3 of the Environmental Protection Agency shall
4 conduct such reviews or audits of grants and
5 loans under this subsection as the Inspector
6 General considers necessary to carry out this
7 subsection.
8 "(B) PROCEDURE.—An audit under this
9 subparagraph shall be conducted in accordance
10 with the auditing procedures of the Government
11 Accountability Office, including chapter 75 of
12 title 31, United States Code.
13 "(C) VIOLATIONS.—If the Administrator
14 determines that a person that receives a grant
15 or loan under this subsection has violated or is
16 in violation of a condition of the grant, loan, or
17 applicable Federal law, the Administrator
18 may—
19 "(i) terminate the grant or loan;
20 "(ii) require the person to repay any
21 funds received; and
22 "(iii) seek any other legal remedies
23 available to the Administrator.
24 "(D) REPORT TO CONGRESS.—Not later
25 than September 30, 2022, the Inspector Gen-

1 eral of the Environmental Protection Agency
2 shall submit to Congress a report that provides
3 a description of the management of the pro-
4 gram (including a description of the allocation
5 of funds) under this subsection.
6 "(9) LEVERAGING.—An eligible entity that re-
7 ceives a grant under this subsection may use the
8 grant funds for a portion of a project at a formerly
9 used defense site for which funding is received from
10 other sources if the grant funds are used only for
11 the purposes described in paragraph (2), (3), or (4).
12 "(10) AGREEMENTS.—Each grant or loan made
13 under this subsection shall—
14 "(A) include a requirement of the national
15 contingency plan only to the extent that the re-
16 quirement is relevant and appropriate to the
17 program under this subsection, as determined
18 by the Administrator; and
19 "(B) be subject to an agreement that—
20 "(i) requires the recipient to—
21 "(I) comply with all applicable
22 Federal and State laws; and
23 "(II) ensure that the cleanup
24 protects human health and the envi-
25 ronment;

"(ii) requires that the recipient use the grant or loan exclusively for purposes specified in paragraph (2), (3), or (4), as applicable;

"(iii) in the case of an application by an eligible entity under paragraph (3)(A), requires the eligible entity to pay a matching share (which may be in the form of a contribution of labor, material, or services) of at least 20 percent, from non-Federal sources of funding, unless the Administrator determines that the matching share would place an undue hardship on the eligible entity; and

"(iv) contains such other terms and conditions as the Administrator determines to be necessary to carry out this subsection.

[“(11) FACILITY OTHER THAN FORMERLY USED DEFENSE SITE.—The fact that a facility may not be a formerly used defense site within the meaning of paragraph (1) has no effect on the eligibility of the facility for assistance under any other provision of Federal law.]

1 "(12) EFFECT ON FEDERAL LAWS.—Nothing in
2 this subsection affects any liability or response au-
3 thority under any Federal law, including—
4 "(A) this Act (including the last sentence
5 of section 101(14));
6 "(B) the Solid Waste Disposal Act (42
7 U.S.C. 6901 et seq.);
8 "(C) the Federal Water Pollution Control
9 Act (33 U.S.C. 1251 et seq.);
10 "(D) the Toxic Substances Control Act (15
11 U.S.C. 2601 et seq.); and
12 "(E) the Safe Drinking Water Act (42
13 U.S.C. 300f et seq.).
14 "(13) AUTHORIZATION OF APPROPRIATIONS.—
15 There is authorized to be appropriated to carry out
16 this subsection $200,000,000 for each of fiscal years
17 2019 through 2023.".
18 (b) LIABILITY UNDER CERCLA.—Section 120 of the
19 Comprehensive Environmental Response, Compensation,
20 and Liability Act of 1980 (42 U.S.C. 9620) is amended
21 by adding at the end the following new subsection:
22 "(k) FORMERLY USED DEFENSE SITES.—
23 "(1) DEFINITION OF FORMERLY USED DE-
24 FENSE SITE.—In this subsection, the term 'formerly

used defense site' has the meaning given to the term in section 104(l)(1).

"(2) LIABILITY UNDER THIS ACT.—Notwithstanding any other provision of this Act, a [bona fide prospective purchaser] of a formerly used defense site that purchases the formerly used defense site, or otherwise has the formerly used defense site transferred to the bona fide prospective purchaser, to remediate the formerly used defense site shall not be liable under section 107 or any other provisions of this Act. [SLC note: You may want to discuss with CRS to see if there would be any unintended consequences from a blanket lifting of liability in this form.]".

Message

From: ECOS [ecos=ecos.org@mail75.atl51.rsgsv.net]
on behalf of ECOS [ecos@ecos.org]
Sent: 9/21/2018 7:28:27 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Montana Member Moving to Another Agency, Michigan and Pennsylvania Take Action on PFAS, & More

Montana Member Moving to Another Agency, Michigan and Pennsylvania Take Action on PFAS, & More

ECOSWIRE | Vol. 20 No. 37

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ECOSWIRE

Friday, September 21, 2018

Vol. 20 No. 37

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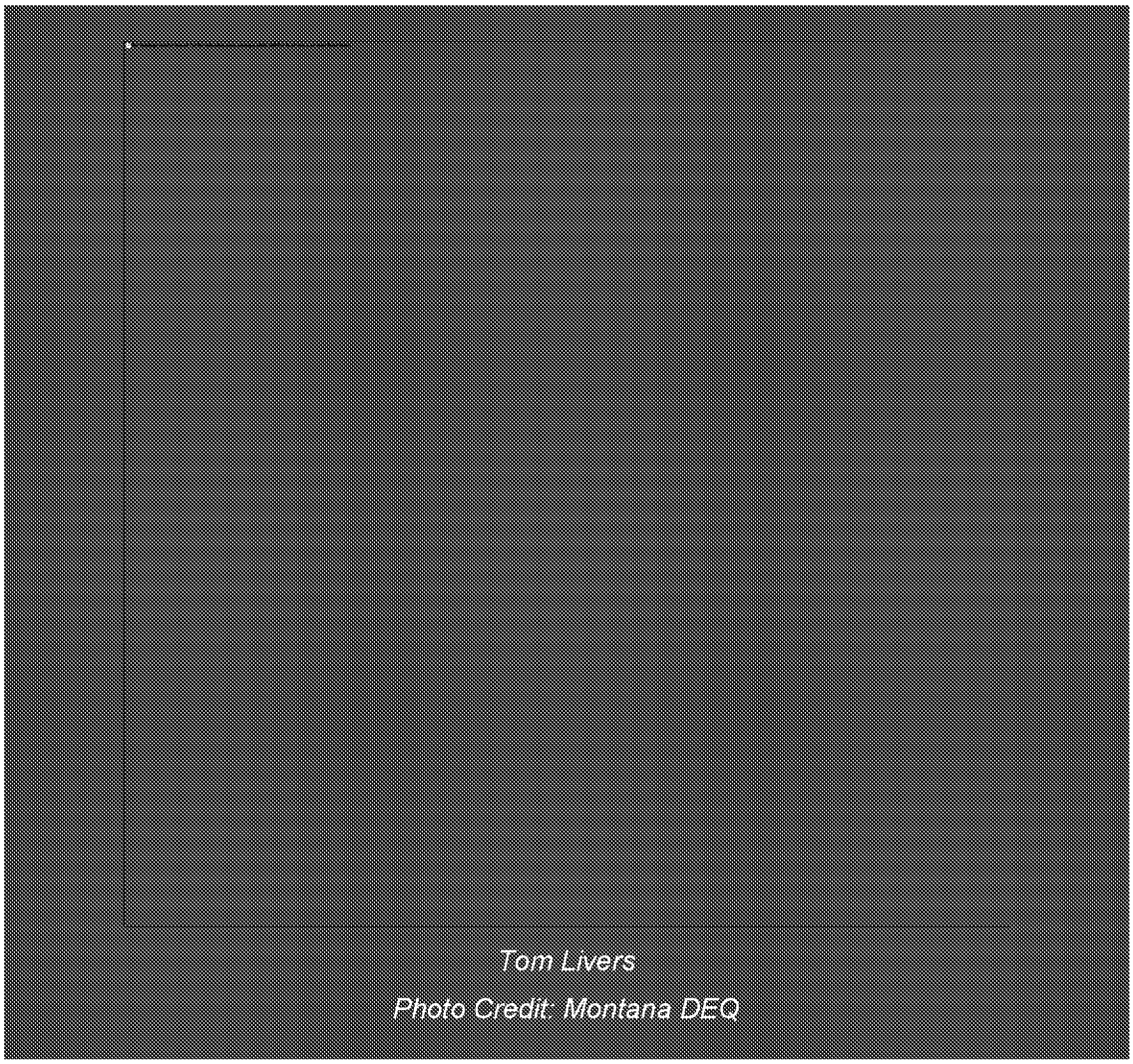
Montana's Tom Livers Moving to Montana Budget Office



Tom Livers

Photo Credit: Montana DEQ

Montana Governor Steve Bullock has tapped Montana Department of Environmental Quality (DEQ) Director Tom Livers to serve as State Budget Director effective September 25. Livers has been at the helm of DEQ since 2014 and previously worked for more than a decade as Deputy Director and headed the Technical and Financial Assistance Bureau.

ECOS congratulates Livers on his new Cabinet position and wishes him well! His DEQ successor has not yet been named. [Parisien]

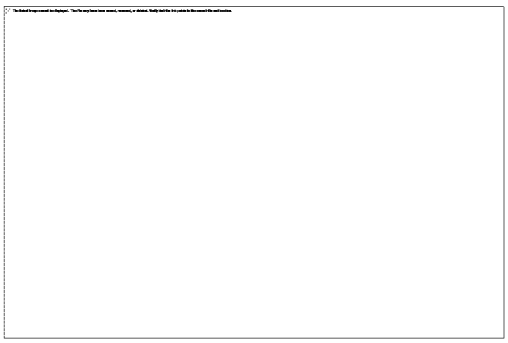
ECOS Seeks Participants for Results Measures Workgroup

As ECOS approaches one year of ECOSResults.org, the association will collect feedback from states on the common measures and how they help tell stories of environmental

protection at the state level. A state workgroup will be convened in the coming months to work with the web developer to make changes as needed to ECOSResults.org and the common measures.

If you would like to participate in a workgroup to review and revise the measures, please contact Connor MacCartney of ECOS. For more information on past work, see here. [MacCartney]

Senate Passes Temporary Government Funding through December 7



On September 18, the Senate passed a combination Continuing Resolution (CR) and "minibus" funding measure that provide s Fiscal Year (FY) 2019 funding for federal agencies including U.S. EPA through December 7. The move suggests that House and Senate lawmakers have not settled on an FY19 EPA funding arrangement since entering into conference negotiations on September 6.

At a hearing last week, Democrats from the Senate, which passed a "clean" version of the bill, complained of “poison pill environmental riders” in the House bill. The House is expected to pass the CR/minibus next week following a recess. [McAleer]

EPA Denies Clean Air Act § 126(b) Petitions from Maryland and Delaware

On September 14, U.S. EPA Acting Administrator Andrew Wheeler signed a “notice of final action” denying Clean Air Act (CAA) § 126(b) petitions from Maryland and Delaware filed in

2016. The petitions, four from Delaware and one from Maryland, requested reductions in emissions of ozone-forming nitrogen dioxide from specific power plants in upwind states – Indiana, Kentucky, Ohio, Pennsylvania and West Virginia.

EPA maintains that existing programs, like the recent Cross-State Air Pollution Update Rule, that require cost-effective emissions reductions from all of the named sources will address the concerns of the petitioning states.

Both Maryland and Delaware have indicated that they will continue to press their concerns. [Poole]

State News You Can Use

Michigan Uses Drones to Detect PFAS, Conducts Public Water System Testing

---

Pennsylvania Establishes Multi-Agency Action Team to Address PFAS Concerns

---

West Virginia Plans $50 Million Worth of Water Quality Improvements

---

Washington State Cleanup and Redevelopment Grant Yields Commerce

Need-to-Know News in Air & Water

U.S. EPA Announces Winners of Wildland Fire Sensors Challenge

Area of Focus: *Air*

This week, U.S. EPA announced the winners of a Wildland Fire Sensors Challenge, which encouraged the development of innovative monitoring technologies to measure air pollutants from smoke during wildland fires. To select the winners, EPA and the U.S. Forest Service conducted two-phase laboratory testing of each contending technology, and a panel of technical experts reviewed the results for prototypes that are portable, durable, reliable, and wireless. Winning systems showed promise in design and ability to detect fine particulate matter, ozone, carbon monoxide, and carbon dioxide.

To learn more about the Wildland Fire Sensors Challenge, see here. [Longsworth]

U.S. EPA Briefs Intergovernmental Associations on Peak Flows, Calls for State Input

Area of Focus: *Water*

This week, U.S. EPA's Office of Wastewater Management provided a briefing to ECOS and other association representatives to discuss forthcoming regulatory changes vis-a-vis wet weather management at certain municipal wastewater treatment plants. Rainwater that inadvertently enters sewer systems increases flows to wastewater treatment plants, often creating operational challenges.

In April, EPA announced a new rulemaking to look at issues associated with managing and treating peak flows during wet weather events at publicly owned treatment works (POTWs) with separate sanitary sewer systems. Through this action, EPA will institute changes to its National Pollutant Discharge Elimination System regulations to establish a transparent and lasting approach to permitting flexible peak flow management strategies.

Recognizing the years of experience that states and others have in managing wet weather challenges to POTWs, EPA is conducting outreach to gather critical input prior to proposing any changes to these regulations. EPA is accepting public comments until **October 31** and will hold three public listening sessions in October.

Learn more about the peak flows management rule and opportunities to provide input here. [Swanson]

Comprehensive Summary of WRDA Legislation Now Available

Area of Focus: *Water*

As reported in the September 14 edition of *ECOSWIRE*, the House last week unanimously passed America's Water Infrastructure Act, bill S. 3021, a bipartisan combination of two versions of Water Resources Development Act (WRDA) legislation developed earlier this year by the House and Senate with a Safe Drinking Water Act (SDWA) reform bill approved last summer by the House Energy and Commerce Committee.

A comprehensive summary of the bill is now available here. [Piper]

Information, Please

States Asked to Provide Information on Resource Efficiency Policies

ECOS recently received a request for information on state resource efficiency policies,

specifically whether states have been tracking goals on production, consumption, and recycling/the circular economy. The goal of the research is to build an international knowledge base of best practices and experiences in resource efficiency.

If your state has prioritized work in these areas or would like more information about the research, please contact Connor MacCartney. [MacCartney]

ITRC

Interstate Technology and Regulatory Council

ITRC Hosts 10 PFAS Training Events across the Country

The ITRC per- and polyfluoroalkyl substances (PFAS) team is hosting a series of training events led by experts from state and federal agencies, academia, and private industry. The training events will explore the key elements for characterizing and managing PFAS impacted sites. Topics of discussion include: site characterization (sampling and analysis), complex mechanisms that impact fate and transport, current and potential remediation technologies, AFFF, and PFAS risk communications. The training events are free for state and federal employees, academics, and public stakeholders. Travel scholarships are available for state staff in limited quantity for each of the events.

Please visit the ITRC PFAS Training website to register. To inquire about travel scholarships, please contact Tadbir Singh of ITRC. [Singh]

E-Enterprise for the Environment

E-Enterprise

Reminder: ECOS Seeks Expressions of Interest by Today for EELC Vacancies

ECOS is seeking expressions of interest from state commissioners or other high-level state officials to serve on the E-Enterprise for the Environment Leadership Council (EELC). With the election of a new slate of ECOS officers, Vice President Jim Macy becomes the EELC State Co-Chair, leaving a member vacancy. The second vacancy is to fill the seat of Bryan Shaw of Texas, who has retired. States are asked to please express interest to Beth Graves
of ECOS by **September 21**.

The EELC is composed of ten U.S. EPA senior executives, ten state commissioners (or other high-level state officials), and ten tribal representatives. Two in-person EELC meetings are held each year, as well as conference calls held approximately every six weeks. The next meeting is planned for Washington, DC on **September 26-27**. ECOS has funds to support state travel to EELC meetings. [Graves]

Upcoming Events

Calls and Webinars

ECOS PFAS Caucus Call

ECOS will hold its first PFAS Caucus call on **September 25 at 3-4 p.m. Eastern**. The call will address the goals of the caucus and provide an opportunity to hear from states involved in recent regulatory and investigatory efforts.

The PFAS Caucus, ECOS' newest working group, promotes the exchange of information and best practices among state and federal agency staff. The calls will be held bimonthly on the months opposite the ECOS-U.S. EPA Office of Research and Development technical PFAS workgroup.

To get involved, email Sarah Grace Longsworth of ECOS. [Longsworth]

ITRC Training Classes and Webinars

The Interstate Technology and Regulatory Council (ITRC) invites your participation in several upcoming training opportunities:

- Petroleum Vapor Intrusion: Fundamentals of Screening, Investigation, and Management - **September 25, 1-3:15 p.m. Eastern,** Webinar
- Petroleum Vapor Intrusion - **October 10-11**, Seattle, Washington
- Managing PFAS Contamination at Your Site - **October 12**, Montclair, New Jersey
- Light Non-Aqueous Phase Liquids (LNAPL) - **October 12**, St. Louis, Missouri

U.S. EPA on Water Reuse

U.S. EPA's Office of Research and Development (ORD) will host its monthly tools and resources webinar on **October 17 at 3-4 p.m. Eastern**. Given increasing pressures on water resources, many communities are developing centralized systems for planned water

reuse. ORD is working with the National Blue Ribbon Commission for Onsight Non-Potable Water Systems (ONWS), a coalition of state and local groups established to advance best management practices to support the use of ONWSs. This webinar will highlight the key issues limiting adoption of these ONWSs, and will summarize the work to date and ongoing collaboration.

To register for the webinar, see here. [Longsworth]

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Message

From: Lyons, Troy [lyons.troy@epa.gov]
Sent: 9/7/2018 4:19:29 PM
To: Naylor, Diana (Carper) [Diana_Naylor@carper.senate.gov]
CC: Repko, Mary Frances (EPW) [mary_frances_repko@epw.senate.gov]; Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Cameron, Jacqueline (Carper) [Jacqueline_Cameron@carper.senate.gov]
Subject: Re: Wheeler Call w TC

Thanks for connecting them! Glad they could chat

Sent from my iPhone

> On Sep 7, 2018, at 9:51 AM, Naylor, Diana (Carper) <Diana_Naylor@carper.senate.gov> wrote:
>
> Hi Troy - I am happy to connect Administrator Wheeler with the Senator. Can you plan to call my direct line (202-224-3058) either right now or at 1:15pm?
>
> Diana Naylor
> Executive Assistant
> Office of Senator Thomas R. Carper
> 513 Hart Senate Office Building
> 202-224-2441
>
>
> -----Original Message-----
> From: Repko, Mary Frances (EPW)
> Sent: Friday, September 07, 2018 11:49 AM
> To: Lyons, Troy <lyons.troy@epa.gov>
> Cc: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Naylor, Diana (Carper) <Diana_Naylor@carper.senate.gov>
> Subject: Re: Wheeler Call w TC
>
> Looping Diana, who can connect them.
>
> Mary Frances Repko
> Minority Staff Director
> U.S. Senate Committee on Environment and Public Works
>
>> On Sep 7, 2018, at 11:45 AM, Lyons, Troy <lyons.troy@epa.gov> wrote:
>>
>>
>> Administrator Wheeler would like to call Senator Carper today to congratulate him on his primary victory.
>>
>> How do you recommend we go about connecting them? Is there a good number for him to call?
>>
>>
>> Sent from my iPhone

Message

From: Naylor, Diana (Carper) [Diana_Naylor@carper.senate.gov]
Sent: 9/7/2018 3:55:39 PM
To: Lyons, Troy [lyons.troy@epa.gov]; Repko, Mary Frances (EPW) [mary_frances_repko@epw.senate.gov]
CC: Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Cameron, Jacqueline (Carper) [Jacqueline_Cameron@carper.senate.gov]
Subject: RE: Wheeler Call w TC

Would 1:15pm EST work for you? If not, we can try for 1:00pm, but it may take the Senator a couple of minutes to connect.

Diana Naylor
Executive Assistant
Office of Senator Thomas R. Carper
513 Hart Senate Office Building
202-224-2441

-----Original Message-----
From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Friday, September 07, 2018 11:54 AM
To: Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov>
Cc: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Naylor, Diana (Carper) <Diana_Naylor@carper.senate.gov>
Subject: Re: Wheeler Call w TC

We are in Montana on the road. How does 1pm EST work?

Sent from my iPhone

> On Sep 7, 2018, at 9:49 AM, Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov> wrote:
>
> Looping Diana, who can connect them.
>
> Mary Frances Repko
> Minority Staff Director
> U.S. Senate Committee on Environment and Public Works
>
>> On Sep 7, 2018, at 11:45 AM, Lyons, Troy <lyons.troy@epa.gov> wrote:
>>
>>
>> Administrator Wheeler would like to call Senator Carper today to congratulate him on his primary victory.
>>
>> How do you recommend we go about connecting them? Is there a good number for him to call?
>>
>>
>> Sent from my iPhone

Message

From: Ex. 6
Sent: 8/22/2018 1:51:48 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: Thank you

Do you have time to chat tomorrow? I can easily email Sharnett to get on your calendar if that's the better approach.
Thanks, Ex. 6

On Aug 16, 2018, at 7:35 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

> Ok. Good deal.
>
> Ryan Jackson
> Chief of Staff
> U.S. EPA
> Ex. 6
>
> On Aug 16, 2018, at 6:17 PM, Ex. 6 wrote:
>
> > We're in good shape. I know we're still in an initial / informal stage that could end up moving to a next step, but chatting with him is necessary for me to do. It will not jeopardize anything for me at the committee.
> >
> > On Aug 16, 2018, at 5:58 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
> >
> > > One of the principal steps in this is visiting with Wheeler too so are you sure you want to talk with Cody quite yet?
> > >
> > > Ryan Jackson
> > > Chief of Staff
> > > U.S. EPA
> > > Ex. 6
> > >
> > > On Aug 16, 2018, at 5:44 PM, Ex. 6
> > > Ex. 6 wrote:
> > >
> > > Ryan,

It was a pleasure to meet yesterday. I enjoyed our discussion and view the position as a very appealing opportunity.

So you are aware, tomorrow I plan to speak with my staff director and inform him of our meeting. Once I have that conversation, I was hoping to give you a call Monday or Tuesday of next week to further discuss, if that works for you.

Please let me know if this timing works on your end. Again, thank you for your time yesterday.

Ex. 6

Ex. 6

Message

From: Repko, Mary Frances (EPW) [mary_frances_repko@epw.senate.gov]
Sent: 9/7/2018 3:30:52 PM
To: Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]
Subject: Re:

Oh ye of little faith.

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

> On Sep 7, 2018, at 11:17 AM, Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov> wrote:
>
> You don't think a Burr LWCF hold can be resolved? :-)
>
> Sent from my iPhone
>
>> On Sep 7, 2018, at 11:14 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>>
>> WRDA. Well a lot of luck on that.
>>
>>
>>
>>
>>
>>
>>
>> Ryan Jackson
>> Chief of Staff
>> U.S. EPA
>> Ex. 6
>>
>>
>>> On Sep 7, 2018, at 8:58 AM, Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov> wrote:
>>>
>>> Thanks for that!
>>>
>>> We are open from 11:30-2 and 4:30-5:30 unless MF needs to deal with WRDA unexpectedly.
>>>
>>> What works for you?
>>>
>>> Sent from my iPhone
>>>
>>>> On Sep 7, 2018, at 10:51 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>>>>
>>>> Congratulations on Thursday night. I wanted to wait until the smoke cleared but Troy and I wanted to get in the phone with you to talk nominations.
>>>>
>>>>
>>>>
>>>>
>>>>
>>>>
>>>> Ryan Jackson
>>>> Chief of Staff
>>>> U.S. EPA
>>>> Ex. 6
>>>>

Message

From: Lorman OnDemand Webinars [customerservice@lorman-webinar.com]
Sent: 8/22/2018 9:34:15 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Grant Management for Grant Recipients - OnDemand Webinar

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about how to add lorman-webinar.com to your whitelist. This email address is not used for customer support and communication. Please do not respond to this message.

Message

From: Lee Fuller [lfuller@ipaa.org]
Sent: 9/6/2018 7:21:27 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Request for Meeting with Administrator Andrew Wheeler

Ryan,

I want to explore the possibility of a meeting with EPA Administrator Andrew Wheeler and Independent Petroleum Association of America President and CEO Barry Russell to discuss the issues of concern to American independent producers under the jurisdiction of the Environmental Protection Agency.

IPAA represents the thousands of American independent oil and natural gas producers and the industries supporting them. These producers develop about 95 percent of America's well producing approximately 54 percent of American oil and 85 percent of its natural gas.

In the past, IPAA leadership has had similar meetings with former EPA Administrators Scott Pruitt and Gina McCarthy. IPAA believes that these meetings provide an opportunity address the implications of these regulatory issues on America's independent oil and natural gas producers.

We would like to suggest a meeting in mid-October if that can be added to Administrator Wheeler's schedule.

Please let me know if you need additional information.

Thank you,

Lee Fuller

Message

From: Records Management Workshop XVI [Training@ManagingGovRecords.org]
Sent: 9/6/2018 7:12:50 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: [SPAM-Sender] Next Thursday - Latest Info on Gov Records Management

Please Forward to Records Managers and Staff -

NARA Leadership and Agency Records Officers to Speak -

Records Management in Government
Training Workshop XVI
Latest Information on Records Management from NARA,
Government Records Managers, and Industry Experts

Report from NARA - Results of the New Records Management Annual Report

Lessons Learned and Best Practices

September 13, 2018
Willard InterContinental Hotel
Washington, D.C.

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Keynote Speaker:

Lisa Haralampus
Director, Records Management Policy and Outreach
Office of the Chief Records Officer

National Archives and Records Administration

Government Speakers:

Don Rosen
Director of Records Management Oversight and Reporting
National Archives and Records Administration

Courtney Anderson
Electronic Records Policy Analyst
Office of the Chief Records Officer
National Archives and Records Administration

David D Alspach
Departmental Records Officer
Policy Planning & Management Division
Office of the Chief Information Officer
Department of the Interior

Rachel E. Frier
Records Management Branch Chief
Federal Emergency Management Agency (FEMA)
Department of Homeland Security

Timothy J. Kootz
Departmental Records Officer
Department of State

Patti Stockman
NASA Records and Privacy Act Officer
Office of the Chief Information Officer

Mark Patrick
Chief, Information Management Division
The Joint Staff Secretariat
Department of Defense (DOD)-

Wendy L Couch
Chief Records Officer
Department of Commerce

Additional Speakers to be Announced Soon

This workshop will examine the SAO Annual Records Management Report - Lessons Learned from the Report to Improve Records Management at Your Agency

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Government & Industry Partners Invited to Attend
No Press Permitted at this Educational Event

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Government and Industry Partners are Invited to Register

This Potomac Forum Training Workshop will help agencies to comply and meet the NARA and OMB requirements

Overview:

NARA is focusing on Agencies working on the next deadlines for federal government electronics records, email in the cloud, improved methods for contracting for records management services partnering with GSA and other government-wide initiatives. Agencies continue to focus on email retention and management in accordance with regulations and policy and e-discovery. It is important to understand how the NARA/OMB regulations and deadlines will impact your agency.

This one-day Potomac Forum Workshop will focus on the activities mandated by the NARA/OMB Records Management Directive and related management issues and initiatives. Key executives from NARA and

government agencies will discuss the current state of government records management and compliance with policy, regulations and best practices.

Lessons learned from the recent *Federal Agency Records Management Annual Report (Senior Agency Official for Records Management Report Federal Email Management Report and Records Management Self-Assessment)* will be discussed.

The Chief Records Office of the U.S. Government will present the Workshop Keynote and a special follow-on panel with the NARA Executive Leaders will discuss current and proposed government-wide records management initiatives.

What You Will Learn:

- **Lessons learned from the *Federal Agency Records Management Senior Agency Official 2017 Annual Report***
- **What needs to be done to comply with the deadlines imposed by OMB M-12-18**
- **How the role of technology will evolve in the achievement of OMB M-12-18's goals including Cloud Computing**
- **What the components of a sustainable Records Management program will be in this new environment**
- **How the Senior Agency Officials can and are making a difference in improving the management of government records - Lessons Learned from the SAO reporting**
- **NARA Requirements for managing email - lessons learned from IRS news event - Complying with the Law - the Federal Records Act and what it means for email and other records losses**
- **Specific agency actions to be completed in response to the Directive by 2019**
- **and more....**

Why You Should Attend:

- **To gain a clear understanding of OMB M-12-18**
- **Updated information from NARA on training and agency outreach**
- **To assist you in getting the best start on latest thoughts on the implementation of OMB M-12-18**
- **To learn key funding strategies to help your agency implement solutions to meet its objectives**
- **Hear from other government officials about the practical aspects of complying with the Directive**
- **Ensure success of your Records Management Program as you implement the Directive**

- **Lessons Learned since the publication of the Directive**
- **Understand the NARA requirements for email management - avoiding embarrassing non-conformance**
- **Understand email retention regulation, policy, and legislation.**

Who Should Attend:

- **Records Managers and staff.**
- **CIOs and the Staff including technical staff involved with Records Management**
- **Senior Agency Officials (SAOs) for Records Management and those who report to or support the SRO**
- **IGs and Staff**
- **All those with responsibility for initiating and carrying out the reforms mentioned in the President's Records Management Directive**
- **Professionals responsible for managing information resources on an enterprise-wide basis**
- **Those needing to understand latest NARA policy and guidance**
- **Contracting, Procurement and Acquisition Management Professionals**
- **Program Managers Who Must Understand Records Management in Government**
- **Government executives who want to understand email retention and records management regulation, policy, and legislation.**
- **Industry Partners**

No Press Permitted to Attend this 100% Educational Workshop

Format:

This workshop will combine keynote presentations by NARA, lectures on implementing the Directive, real world examples and discussions to provide a thorough, enjoyable day of learning.

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400 North Washington Street , Alexandria , Virginia, 22314 , USA

Message

From: Tom Davis Ex. (b)(6)
Sent: 9/6/2018 3:11:58 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Reconnecting....Corporate EHS Roundtable

Hope you are enjoying the summer.
The Roundtable meeting this Fall is November 13-14.
Might you be available to join us for dinner again and discuss informally and off the record the current EPA thinking, priorities etc.
Would be good to see you again and hear current EPA thinking.
Thanks

Tom Davis

Box 247
Tilghman, MD 21671
Ex. 6
Ex. (b)(6)

Message

From: Jay Timmons [Jay.W.Timmons@nam.org]
Sent: 9/7/2018 2:31:49 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: NAM Acquires the Manufacturing Leadership Council

Ryan,

Manufacturers in America are experiencing record optimism, according to the National Association of Manufacturers' (NAM) recent Manufacturers' Outlook Survey. The industry is growing, creating new jobs, increasing investment and raising wages across the country. Thank you—these positive outcomes for hardworking Americans are bolstered by your historic focus and support, in the way of landmark tax reform and regulatory relief, of our industry.

We are working every day to uphold our end of the bargain. Our "Keeping Our Promise" campaign regularly updates you and our country on our advances thanks to tax reform. Our Sustainability series similarly is showing how we are following through on improving the health of our communities and our environment. Our social impact arm, The Manufacturing Institute, is working aggressively to attract more Americans to our industry and upskill our nation's veterans, through Heroes MAKE America, for the rewarding and fulfilling careers in modern manufacturing.

Now, at the NAM, we are taking another major step to do more for manufacturers in the United States and thereby secure the future of making things in our country. **We are acquiring the nation's recognized leader in preparing manufacturers for rapid technological changes: the Manufacturing Leadership Council (MLC).** Just as the NAM's Manufacturing Institute's workforce development programming and resources empower manufacturers to succeed, so too does the MLC's wealth of knowledge on everything from robotics and predictive maintenance to additive manufacturing and cybersecurity.

Manufacturers will continue doing more to deliver for the American people, helping ourselves, lifting up our communities and strengthening our exceptional country. We appreciate the trust and confidence you have placed in us, and we accept the responsibility that comes with your support.

Best,

Jay Timmons
President and CEO
National Association of Manufacturers

Message

From: COOP Training Workshop [PotomacForum@GovCOOP.org]
Sent: 8/28/2018 4:04:02 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: [SPAM-Sender] Is your COOP Plan Ready for an Emergency?

Gov COOP Training - Our 26th Session of Proven, Successful Workshop -
Please Review & Forward to Others In Your Organization Responsible for Developing, Reviewing or Oversight of Emergency Planning

Continuity of Operations (COOP) in Government
Training Workshop XXVI
(the 26th offering of this highly successful training)

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Government Speakers

Keynote: Director Richard M. Chávez
Director, Office of Operations Coordination, DHS
U.S. Government Senior Executive Continuity Coordinator
Reporting Directly to Secretary of DHS
--
Veronica (Roni) M. Glass

Deputy Director, Continuity Division
Office of Operations Coordination
DHS
--
Kenneth Briscoe
Chief, Readiness Branch
Continuity Division
Office of Operations Coordination
DHS
--
Calvin W. Turner, Jr.
Director, National Finance Center, USDA
(NFC is the "Poster Child" for Data Center Relocation & Reconstitution)

--
Joe Douglas, ABCP
Continuity Program Manager, USITC
--

Overview:
Government and Industry Leaders Present Practical Solutions to Government Continuity of Operations Requirements.

This is a "How To" workshop "with proven instructors and guest speakers. Rated as "Excellent" the previous 25 workshop sessions!

Overview:

- *Hurricane season is now through October. With last year's series of natural disasters in Texas, Louisiana, Puerto Rico, Virgin Islands, and the crippling winter storms in the Northeast, is your organization fully prepared to cope with a catastrophic event?*

- *Is your preparation adequate to maintain continuity of your government functions?*

- *Learn from others including the Director of the Department of Agriculture National Finance Center whose proven leadership successfully implemented a COOP plan and continued mission essential functions during a hurricane that destroyed his facility.*

- *Learn New COOP Requirements, Federal Government Policy, Best & Proven Practices and what they mean for your organization.*
- *The Federal Government's continuity requirements are currently being updated and this workshop will address new developments and how it will impact your organization.*
-

- *New emphasis has been placed on Federal Career and Newly Appointed Leadership to insure continuity in all mission aspects.*

- *There will be no excuses for lack of performance in the event of an emergency. Your agency leadership is more dependent than ever on its COOP personal.*

Demonstrated Commitment to Value and Performance: Potomac Forum is so confident that each and every attendee will be pleased with the information presented and its value to the government that Potomac Forum will provide a FULL RETURN OF REGISTRATION FEE for any student that does not find the two day workshop of value to their organization.

Consider this Workshop...

- *If you have recently taken over an existing COOP Program and want to ensure that it is up to speed with the industry's best practices*
- *If you have a COOP Program that is just taking off*
- *If you have an established COOP Program and need to find new areas to quickly and easily improve*
- *If you are looking for ways to make your COOP Program execute effectively on a "bad day"*
- *If you are new to the Federal COOP environment*
- *If you are in top leadership and need to learn more about what you are "on the hook" for within COOP*
- *If you are not satisfied with your current agency COOP Plan or Policy*
- *If you have new Agency Leadership and want to be better prepared to discuss COOP*
- *If you want to discuss your COOP planning with other Government experts*
- *If you want to "fine tune" or "Refresh" your knowledge of COOP and current thoughts, regulations, and guidance.*

... then this is the training for you to deliver a practical and sustainable COOP Program that complies with government regulations, best practices and effective management.

Who Should Attend:

- *Program Managers responsible program operation*
- *Senior Leadership who own the COOP Program*
- *Senior Leadership who is Accountable for COOP Planning, Policy and/or Implementation*
- *Middle managers and staff tasked with the development and implementation of COOP*
- *Facility managers of Alternate and Emergency Relocation Sites*

- *IT Managers and Staff tasked with Information Systems Contingency Planning according to NIST SP800-34 Rev. 1 Guidance*
- *IGs, QA Managers and Staff*
- *Procurement Staff responsible for COOP Contracting*
- *Human Resource Managers and Supervisors responsible for Implementing COOP Telework and tracking personnel during emergencies*
- *State and Local Government COOP Planners*
- *Industry managers and staff supporting the government*

While this workshop is focused on federal COOP, many State and Local Governments have attended and found the information relevant and useful

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Federal, State and Local Government & Industry Invited to Register
Press is NOT Invited to Attend to Permit Candid Discussion Among the Attendees

"Send-A-Team" Reduced Registration Fee

Comments from Previous COOP Workshop Government Attendees (from student evaluations)

Speakers were fantastic! Very informative and great interchange.
Keep up the good work. I will be back for other training.
Security Manager
Executive Office of the President

I learned a lot and gained so much knowledge about the subject.
I didn't know Telework is so important to support during COOP.
Thanks for support of Golv Agencies - Thanks for great speakers and various great subjects.

Enjoyed very much every instructors' presentations
Great breakfast, snacks and Lunch.
Telecom Specialist
Dept of State

One of the best workshops I have attended!
Great presenters.
Government Attendee

I thought the presenters were very compelling and that the information was well organized
GPO attendee

Great overall workshop! Loved all the presenters
Lead
Census Bureau
--*Well worth my time being out of the office for 2 days*
Financial Analyst
US Coast Guard

As the local level funds are limited. This workshop was self funded, but knowledge was outstanding that was worth the value to me in my position. Wonderful Networking opportunity
Emergency Management Coordinator
Sheriff's Office - Emergency Management
County in Wisconsin

"Send-A-Team" Registration Fees

Workshop Available to Government & Industry Partners

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Message

From: John Blount [john.blount@ervinhillstrategy.com]
Sent: 8/28/2018 3:37:13 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: FW: CAFE Comments

As I indicated we have submitted over 2000 comments but only a couple dozen have shown up on the docket while at the same time they are posting hundreds of anonymous comments in opposition (all of ours are signed by real people who personally decided to engage). Here's an example of one of ours:

Mass comment campaign sponsoring organization unknown. Sample attached (web)

The is a Comment on the Environmental Protection Agency (EPA) Other: Memorandum to open docket for public access
For related information, Open Docket Folder

Comment

I want to support the modernization of the Obama mileage standards.

All sides agree the Obama standards will raise the price of a new car by at least $3,000 once they are implemented.

This will force more folks to keep their old cars running longer. If they buy a car, they will buy a used car.

Since new cars are safer and cleaner, why discourage people from buying a new car?

Regards,
Johnny/Marilyn Hinchman

And one of theirs:

Start of Main Content

Anonymous public comment

The is a Comment on the Environmental Protection Agency (EPA) Other: Memorandum to open docket for public access

For related information, Open Docket Folder

Comment

Global warming is real, we need this regulation to restrict green house gas. This administration is the dumbest and most corrupt that I have seen in my 65 years. How about doing the right thing for the people of earth and pad your pockets later.

Message

From: Lorman OnDemand Webinars [customerservice@lorman-webinar.com]
Sent: 8/24/2018 12:57:14 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Rain Water Harvesting - OnDemand Webinar

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88 min

Credits*:

This OnDemand Webinar will provide thorough coverage of the basic parts of a rainwater system and the benefits that these systems bring homeowners, water districts, watershed managers, floodplain managers, and storm water districts nationwide. The information will be of special interest to architects, engineers and project managers who have clients requesting water-efficient, low-impact designs.

There is so much emphasis on water conservation and efficiency that innovation often outpaces the codes and guidelines. A good place to start is with the newest concepts for both potable and nonpotable rainwater collection systems adopted by several states and at least one code authority. By ordering this OnDemand Webinar you will find out how jurisdictions are specifying the use of rainwater both inside and outside of public water supply service areas. You will also become familiar with the latest research from Texas A&M University and North Carolina State University as well as Virginia Tech.

Learning Objectives:

- You will be able to discuss categories of rainwater harvesting.
- You will be able to identify conveyance systems.
- You will be able to review distribution systems.
- You will be able to explain codes and guidelines.

MORE ›

Jack Holmgreen ARCSA-AP, WTS III
SparkleTap Water Company

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Message

From: Tracy Mehan [tmehan@awwa.org]
Sent: 8/23/2018 7:44:56 PM
To: Ross, David P [ross.davidp@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]; Grevatt, Peter [Grevatt.Peter@epa.gov]; Sawyers, Andrew [Sawyers.Andrew@epa.gov]; Nagle, Deborah [Nagle.Deborah@epa.gov]; Laity, Jim A. EOP/OMB [Ex. 6]; Dorjets, Vlad EOP/OMB [Ex. 6]; Schwab, Margo EOP/OMB [Ex. 6]
CC: svia@awwa.org; Adam Carpenter [acarpenter@awwa.org]
Subject: Bromide and Drinking Water: A classic cross-media transfer problem
Attachments: Bromide and Drinking Water.pdf

We are most grateful for the attention OW staff has given the issue of bromide and safe drinking water as well as for Assistant Administrator Ross's recent letter acknowledging AWWA's letter of June 8th relative to this matter.

This is a classic cross-media transfer problem implicating the Clean Air, Clean Water and Safe Drinking Water Acts with the problem landing squarely on downstream drinking water utilities seeking to comply with legal requirements relating to disinfection by-products. With this in mind, I wanted to share with you the attached Power Point presentation which might be a bit more accessible in terms of explaining the challenges involved. We thank our experts, Nancy McTigue and Jeanne Van Briesen for putting this together.

We would, of course, be happy to answer any questions you might have. Please feel free to contact me, Steve Via or Adam Carpenter anytime. Thank you for your interest.

G. Tracy Mehan, III
Executive Director, Government Affairs
American Water Works Association
Ex. 6

Attachment

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STATE OF THE SCIENCE ON BROMIDE DISCHARGE IMPACTS ON DRINKING WATER

WITH EXPERT PRESENTATIONS FROM NANCY MCTIGUE AND JEANNE VANBRIESEN

WHY ARE WE HERE TODAY?

Key Past Comments:

- September 20, 2013: Comments on proposed Steam Power ELG (EPA-HQ-OW-2009-0819)
- December 5, 2016: AWWA-NAWC Opening Brief in Southwestern Electric Power et la. v. USEPA et al
- July 5, 2017: AWWA-NAWC Comments on postponement of compliance dates (EPA-HQ-OW-2009-0819-6485)
- AWWA and its partners have consistently requested that EPA examine the impacts of bromide discharges on downstream water systems and take action to regulate such discharges as part of the Steam Power ELG.
- Today, experts will provide scientific information demonstrating the need for EPA to conduct this analysis and take appropriate actions

Steam Electric Power Plant Effluent Limitation Guidelines (ELGs)

- Rule finalized on ***September 30, 2015***
- Timeline for compliance: 2018-2023 *(postponed 2 years for FGD)*
- Bromide is not included directly

"Depending on site-specific conditions and applicable state water quality standards, it **may be appropriate for permitting authorities to establish water quality-based effluent-limitations on bromide,** especially where steam electric power plants are located **upstream from drinking water intakes.**" TDD 14-35 and Final Rule p. 67886

U.S. Environmental Protection Agency. (2015) Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category; Final Rule; Vol. 80, pp. 67838-67903.
U.S. Environmental Protection Agency. *Postponement of Certain Compliance Dates for Effluent Limitations Guidelines and Standards for the Steam Electric Generating Point Source Category; Final Rule*. 2017, Vol. 82
U.S. Environmental Protection Agency. *Technical Development Document for the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category*, EPA-821-R-15-007, Washington, D.C. : 2015.

Outline:

- Review of Disinfection byproducts, emphasizing brominated DBPs
- Bromide spiking study
- Estimating Bromide Loads and in-stream Concentration contributions from Wet FGD

DISINFECTION BYPRODUCTS (DPS)

FORMATION AND IMPACT OF INCREASED BROMIDE

NANCY MCTIGUE

BROMINE FORMATION

- Inorganic Precursors

bromide ion

$$HOCl + Br^- \rightarrow HOBr + Cl^-$$
$$3O_3 + Br^- \rightarrow BrO_3^- + 3O_2$$

BRIEF OVERVIEW OF WHAT ARE DBPs

- ***Disinfection By-Products formed when halogens react with natural organic matter in the water***

$$Precursor + \begin{pmatrix} disinfectant \\ oxidant \end{pmatrix} \rightarrow DBP$$

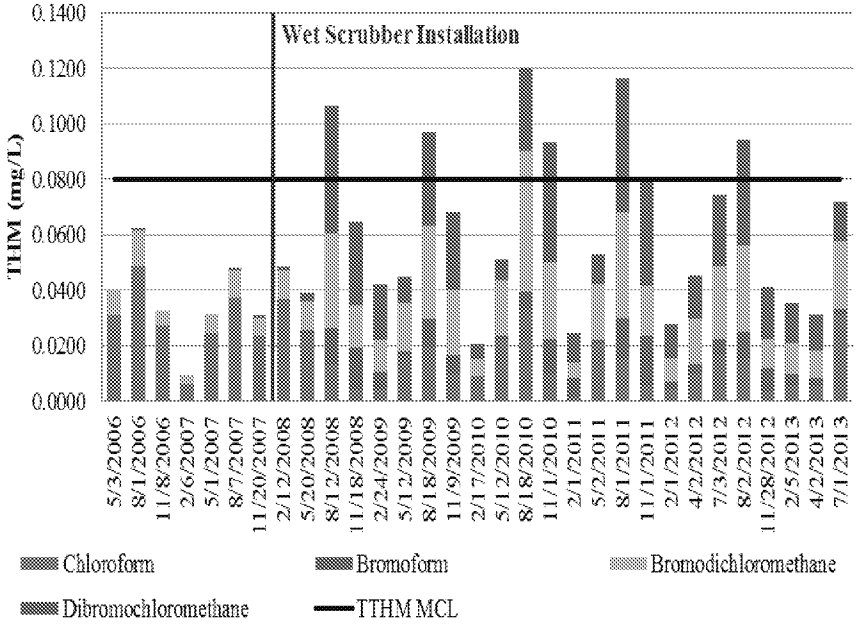
- Precursor = TOC, DOC, NOM, inorganic ion

IMPACT OF BROMIDE ON THMs

- Brominated DBPs have higher MW, compared to their chlorinated counterparts (e.g., bromoform versus chloroform) and can react with more precursors
  - TTHM MCL is mass based not molar based, hence the same amount of precursor will result in a higher concentration of TTHM with bromine than with chlorine
  - Generally brominated DBPs form faster and more completely than chlorinated
  - Possibly causing exceedance of DBP limits

- Brominated DBPs have reportedly greater health risks than chlorinated DBPs

COAL-FIRED POWER PLANT Hg CONTROLS IMPACTING DOWNSTREAM WTPs



Source: McTigue, N.E., et al Occurrence and Consequences of Increased Bromide in Drinking Water Sources. Journal AWWA, Nov. 2014.

CANCER CONCERNS WITH BROMINATED THMs DUE TO POWER PLANTS --- STIG REGLI, EPA ODW, ES&T 2015

- Bromide increase of 50 µg/L could result in a potential increase of 10^{-3} to 10^{-4} excess lifetime bladder cancer risk

- At the 50 µg/L bromide increase
  - 90% of water treatment plants would have an increase in THM of at least 1 µg/L
  - 5 to 30% of all plants would have an increase in THM of at least 10 µg/L

SUMMARY OF NUMBER OF POWER PLANTS THAT COULD IMPACT WTPS

EIA 2011 Database		EIA 2013 Database				
Description	Currently Have Wet Scrubbers	Have or Likely to Add Wet Scrubbers		Potential to Add Wet Scrubbers		Total Wet Scrubbers (Have, Likely to Add, and Potential to Add)
Coal-fired power plants	118	225	+	182	=	407
Impacted water supply watersheds	57	112		96		208
Downstream water treatment plants	96	257		316		573
States with impacted water supply watersheds	22	25		28		53

Source: Cornwell, D. et al, Impact of Increased Bromide Discharges from Industrial Sources to Water utilities. Presented at AWWA ACE 2016.

BROMIDE SPIKING STUDY

CONDUCTED BY CORNWELL ENGINEERING GROUP, 2015

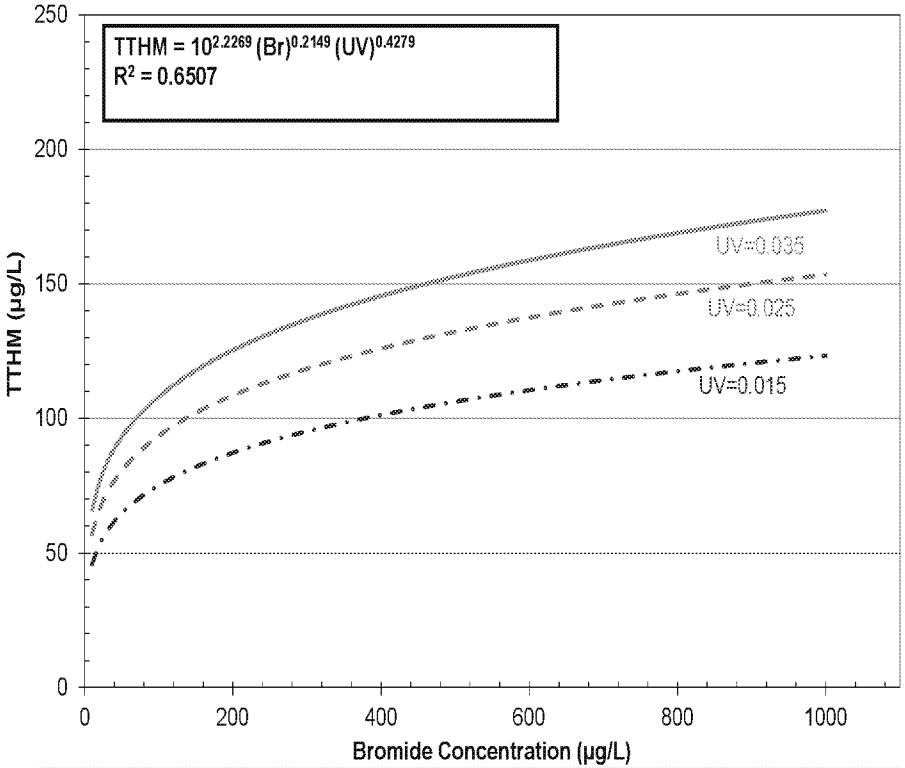
NANCY MCTIGUE

BROMIDE SPIKE STUDY

- Obtained **treated** water w/o disinfectant from 15 utilities
- Lab addition of chlorine or chloramine and bromide at 20, 100, 500, 1000 µg/L
- Measured THM, HAA5 (regulated), HAA4
  - Therefore HAA9 as measured number
- Modeled results shown for THM only

Source: Cornwell, D. et al, Modeling Bromide River Transport and Bromide Impacts on DBPs. In publication Journal AWWA 2018.

MODEL RESULTS FOR INCREASE OF THM vs BROMIDE



Source: Cornwell, D. et al, Modeling Bromide River Transport and Bromide Impacts on DBPs. In publication Journal AWWA 2018.

NET THM INCREASE PER LISTED BROMIDE SPIKE

Statistical Characteristic	ΔBr Spike (µg/L)				
	10	30	50	75	100
	ΔTTHM (µg/L) from model †				
median	13.3	26.0	33.7	40.7	46.2
95th percentile	16.0	31.2	40.5	49.0	55.5
min	9.9	19.3	25.1	30.3	34.3

As a Comparison—Regli indicated 10 ppb brominated DBP increase $=10^{-3}$ to 10^{-4} Cancer Risk

Source: Cornwell, D. et al, Modeling Bromide River Transport and Bromide Impacts on DBPs. In publication Journal AWWA 2018.

ED_002480_00063662-00015

ESTIMATING BROMIDE LOADS AND IN-STREAM CONCENTRATION CONTRIBUTIONS FROM WET FGD

JEANNE M VANBRIESEN, PH.D., P.E.

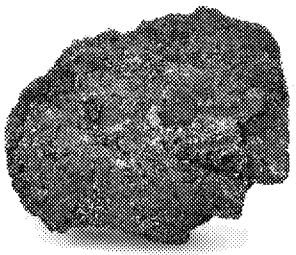
DUQUESNE LIGHT COMPANY PROFESSOR OF CIVIL AND ENVIRONMENTAL ENGINEERING AND ENGINEERING AND PUBLIC POLICY

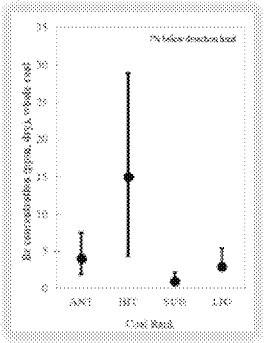
CARNEGIE MELLON UNIVERSITY

There are several potential sources of bromide at coal-fired power plants:

Bromide at coal-fired power plants

- The coal itself ("natural")
- Added for mercury control
- Added for IRS Section 45 tax credit
- Used as cooling water biocide





mercury & air toxics standards

Volume 93 Issue 11 | pp. 17-19
Issue Date: March 16, 2015

Bromine Comes To The Rescue For Mercury Power Plant Emissions

Element now at the top of the list for emission control technologies

By Marc S. Reisch

MerControl® 7895

IRS

With help of coal tax credits, Mylan had a negative 294-percent tax rate in 2016

The company teams in five coal processing companies to get highly valuable tax credits.

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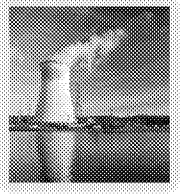
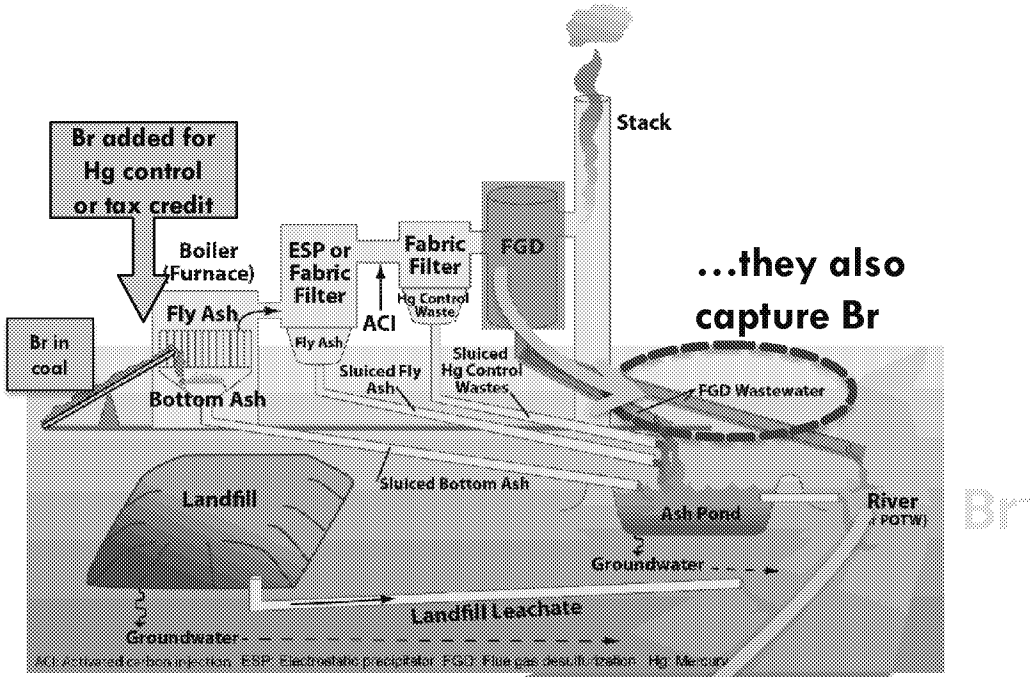
PRODUCT
TOWERBROM® 991
EMERGENCY TELEPHONE NUMBER(S)
(800) 424-9300 (24 Hours) CHEMTREC



EcoLab (2018); Nalco (2010); Mole, B. (2017); Reisch, M.S. (2015); U.S. EPA (2012), Bellinelli et al (2002); Good and VanBriesen (2018)

When wet flue gas desulfurization (FGD) systems are installed for sulfur dioxide and mercury control…



…they also capture Br

Wet FGD wastewater discharges release bromide naturally present in coal and bromide added for mercury control or Section 45 credit

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Environmental Science & Technology

Article

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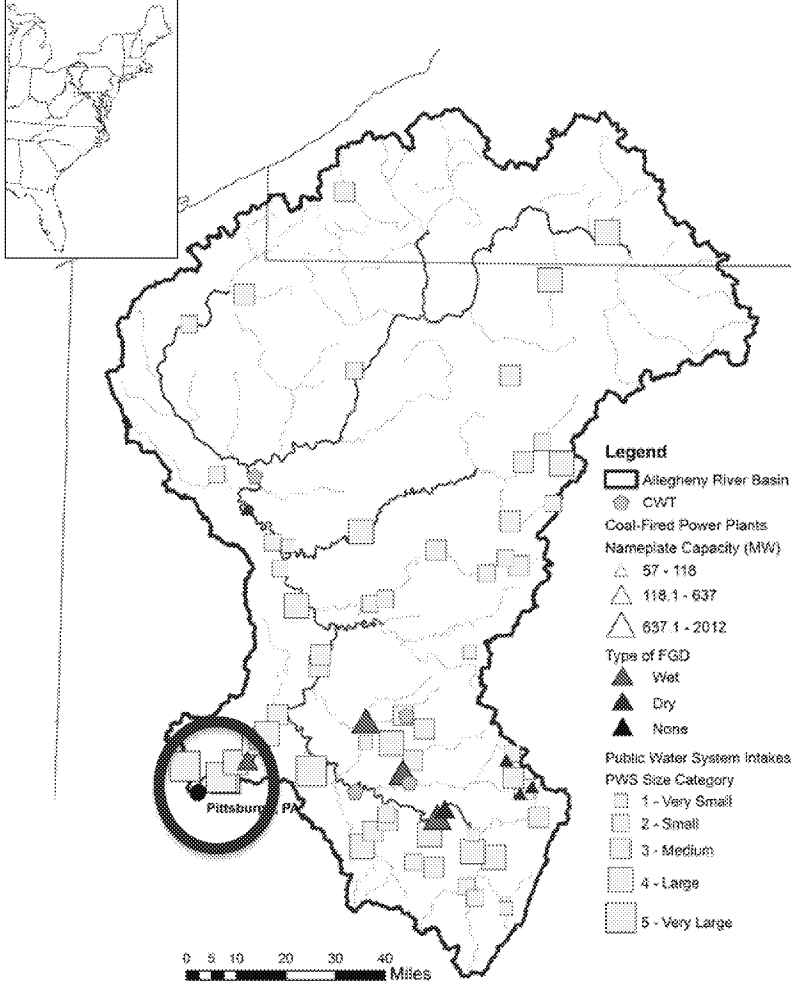
Current and Potential Future Bromide Loads from Coal-Fired Power Plants in the Allegheny River Basin and Their Effects on Downstream Concentrations

Kelly D. Good and Jeanne M. VanBriesen*

Department of Civil and Environmental Engineering, Carnegie Mellon University, 5000 Forbes Avenue, Pittsburgh, Pennsylvania 15213, United States

Environmental Science and Technology.2016. 50(17): 9078-9088.



The Allegheny Basin is a Drinking Water source for 1.2 million people.

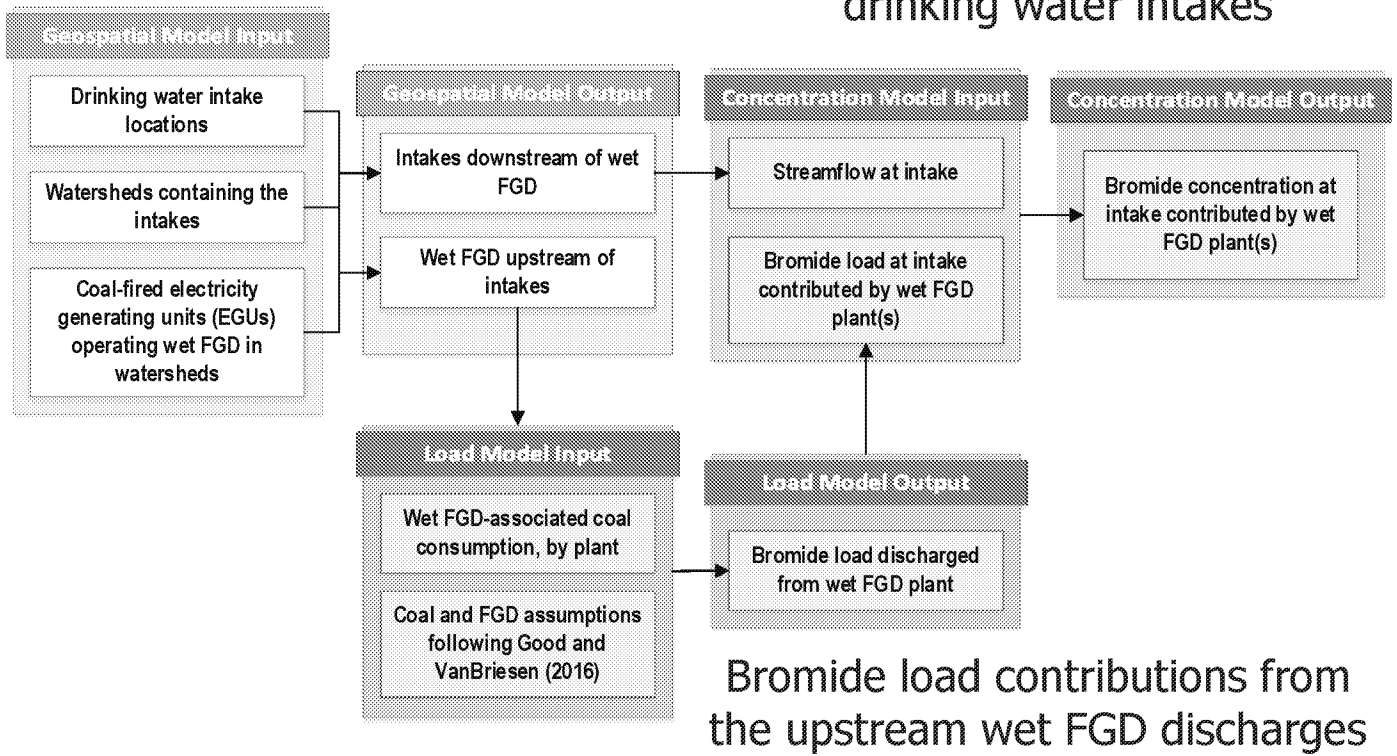
8 (of 59) drinking water treatment plants are downstream of power plants with wet FGD systems.

This is only 14% of the DWTPs in the basin but approximately 36% of the population served (over 450,000 people).

Good, K.D., and VanBriesen, J.M. (2016) "Current and potential future bromide loads from coal-fired power plants in the Allegheny River Basin and their effects on downstream concentrations," *Environmental Science and Technology*, 50(17): 9078-9090.

Drinking water intakes downstream of wet FGD discharge(s)

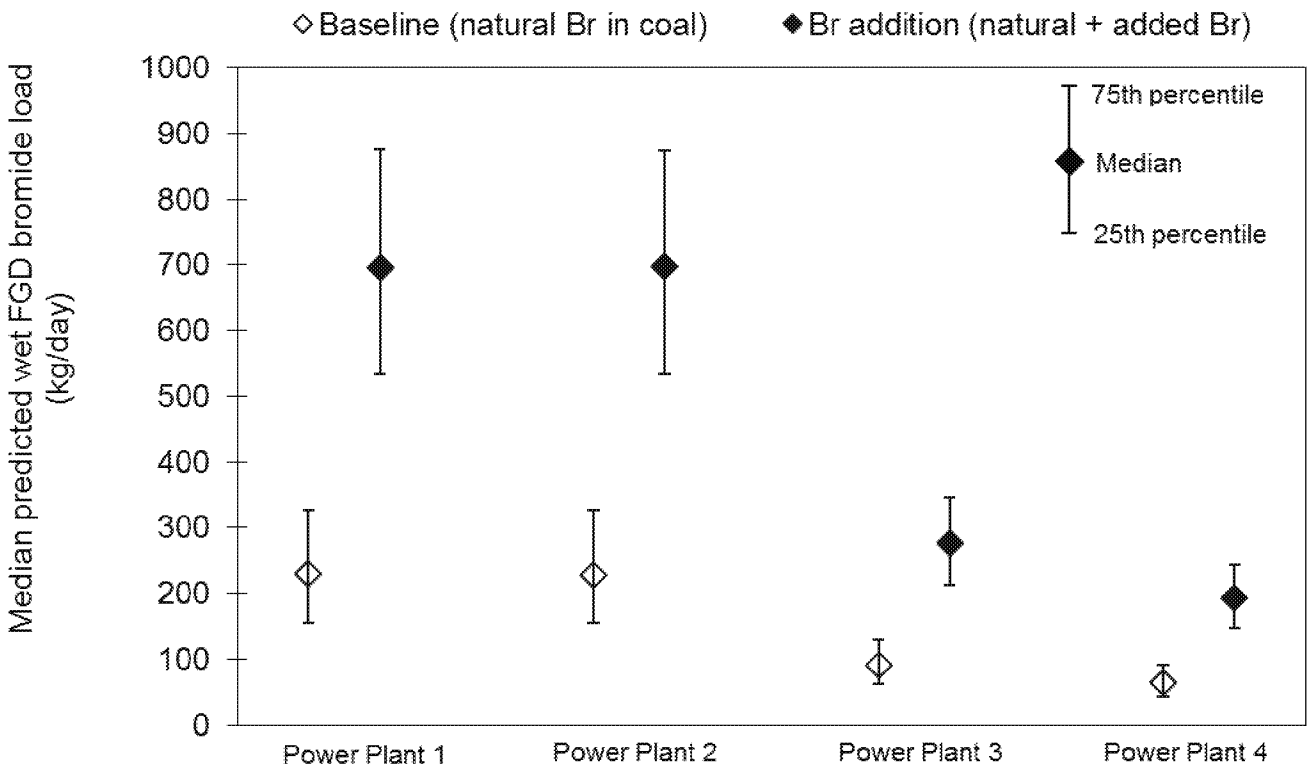
Bromide concentration contributions from wet FGD at drinking water intakes



Bromide load contributions from the upstream wet FGD discharges

Good, K.D. & VanBriesen, J.M. (2017) "Power plant bromide discharges and downstream drinking water systems in Pennsylvania," *Environmental Science & Technology*, 51:20, 11829–11838.

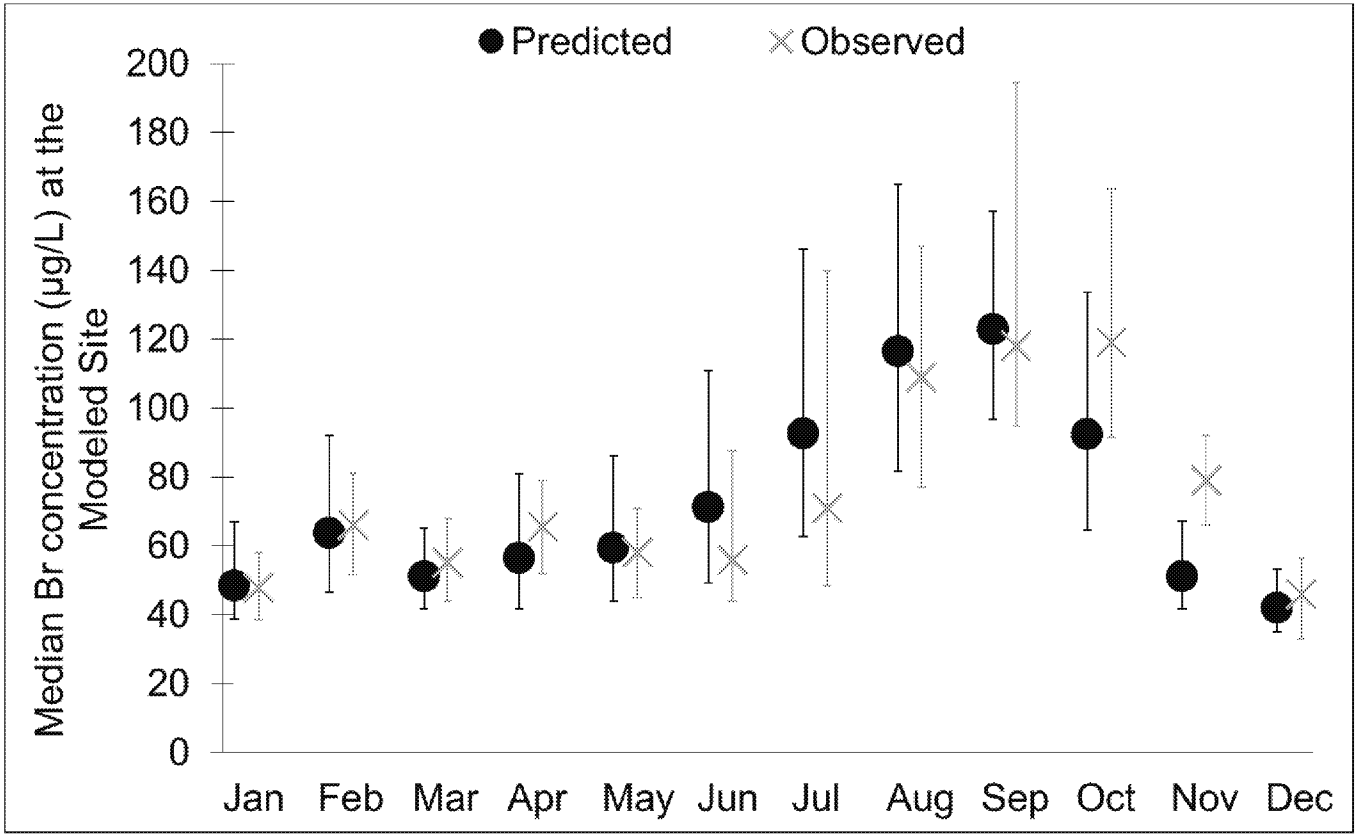
Bromide loads can be estimated from coal consumption information. Bromide addition for mercury control can significantly affect bromide loads.



NOTE: Bromide addition estimated were for Hg control, using rates from the trial at the Conomaugh plant as the highest value (106 ppm). These projections are lower than if bromide additions reported for Section 45 tax credit were used (see EPRI 2014).

Good, K.D., and VanBriesen, J.M. (2016) "Current and potential future bromide loads from coal-fired power plants in the Allegheny River Basin and their effects on downstream concentrations," *Environmental Science and Technology*, 50(17): 9078-9086.

Loads are diluted in flows, which vary seasonally and inter-annually.

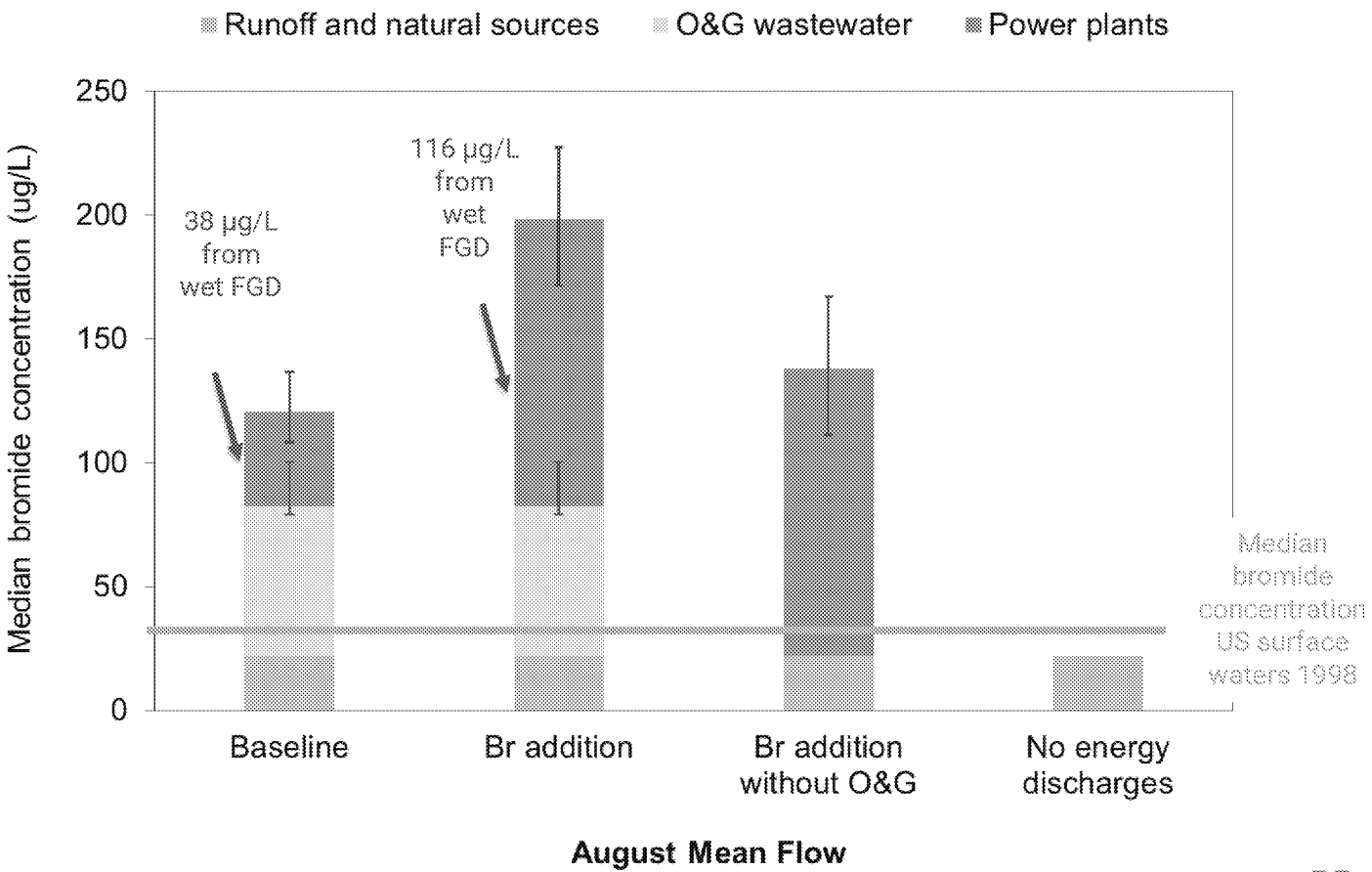


Model validation for the period Water Year 2012-2014 shows that predicted and observed bromide concentrations are not significantly different for most months (α=0.05).

This modeling is based on naturally-occurring bromide in coal, not bromide added for Hg control.

Good, K.D., and VanBriesen, J.M. (2016) "Current and potential future bromide loads from coal-fired power plants in the Allegheny River Basin and their effects on downstream concentrations," *Environmental Science and Technology*, 50(17): 9078-9086.

Concentration contributions from power plants can be estimated under different scenarios and flow conditions.



Good, K.D. & VanBriesen, J.M. (2016). "Current and potential future bromide loads from coal-fired power plants in the Allegheny River Basin and their effects on downstream concentrations," *Environmental Science & Technology*, 50(17): 9078-9088.

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Environmental Science & Technology

Article

Cite This: Environ. Sci. Technol. 2017, 51, 11829-11838

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Power Plant Bromide Discharges and Downstream Drinking Water Systems in Pennsylvania

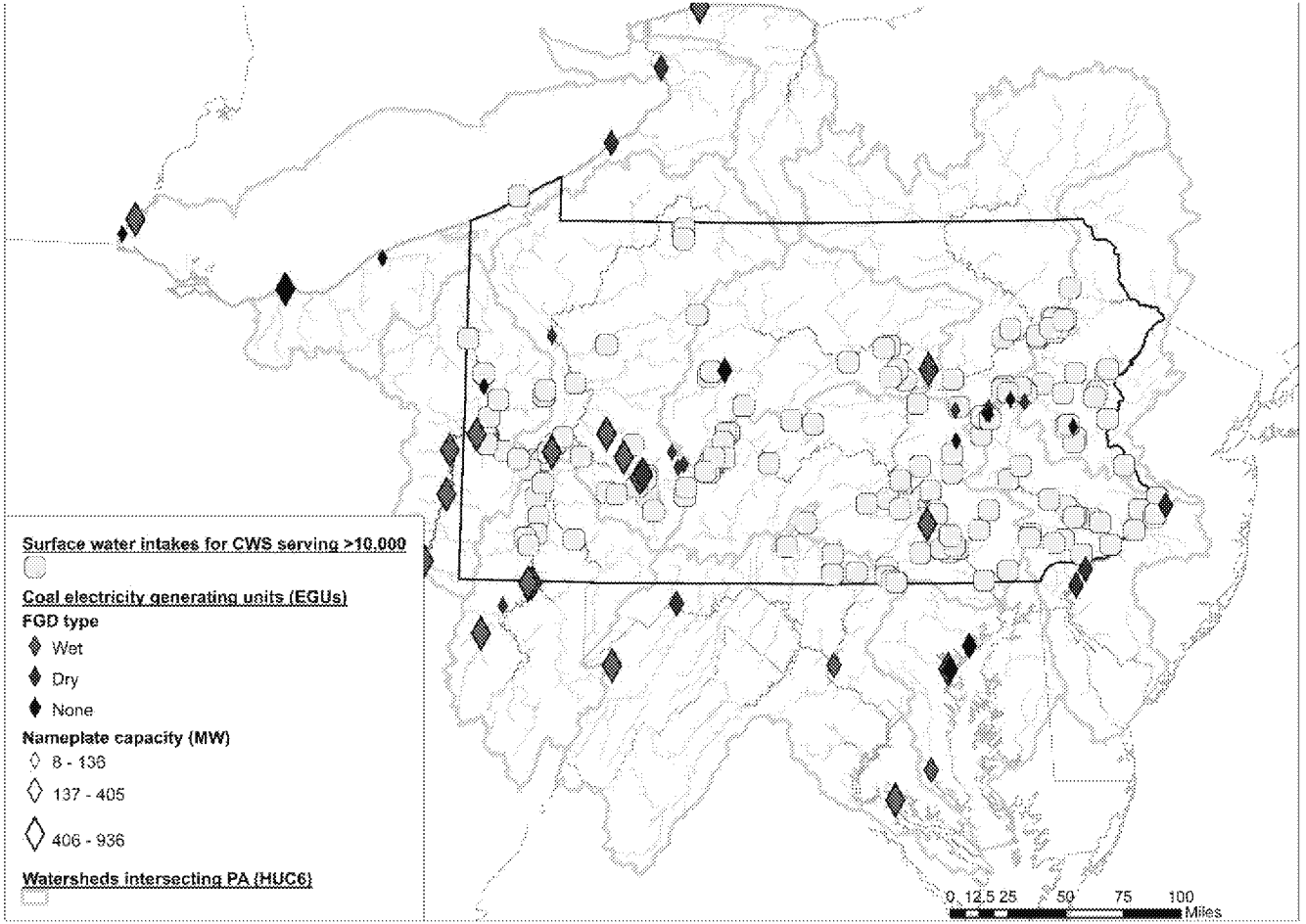
Kelly D. Good[†] and Jeanne M. VanBriesen[*,‡]

[†]Graduate Research Assistant, Department of Civil and Environmental Engineering, Carnegie Mellon University, 5000 Forbes Ave., Pittsburgh, Pennsylvania 15213, United States

[‡]Duquesne Light Company Professor, Director of Water Quality in Urban Environmental Systems (Water-QUEST), Department of Civil and Environmental Engineering and Department of Engineering and Public Policy, Carnegie Mellon University, 5000 Forbes Avenue, Pittsburgh, Pennsylvania 15213, United States

Environmental Science and Technology.2017. 50(17): 9078-9088.

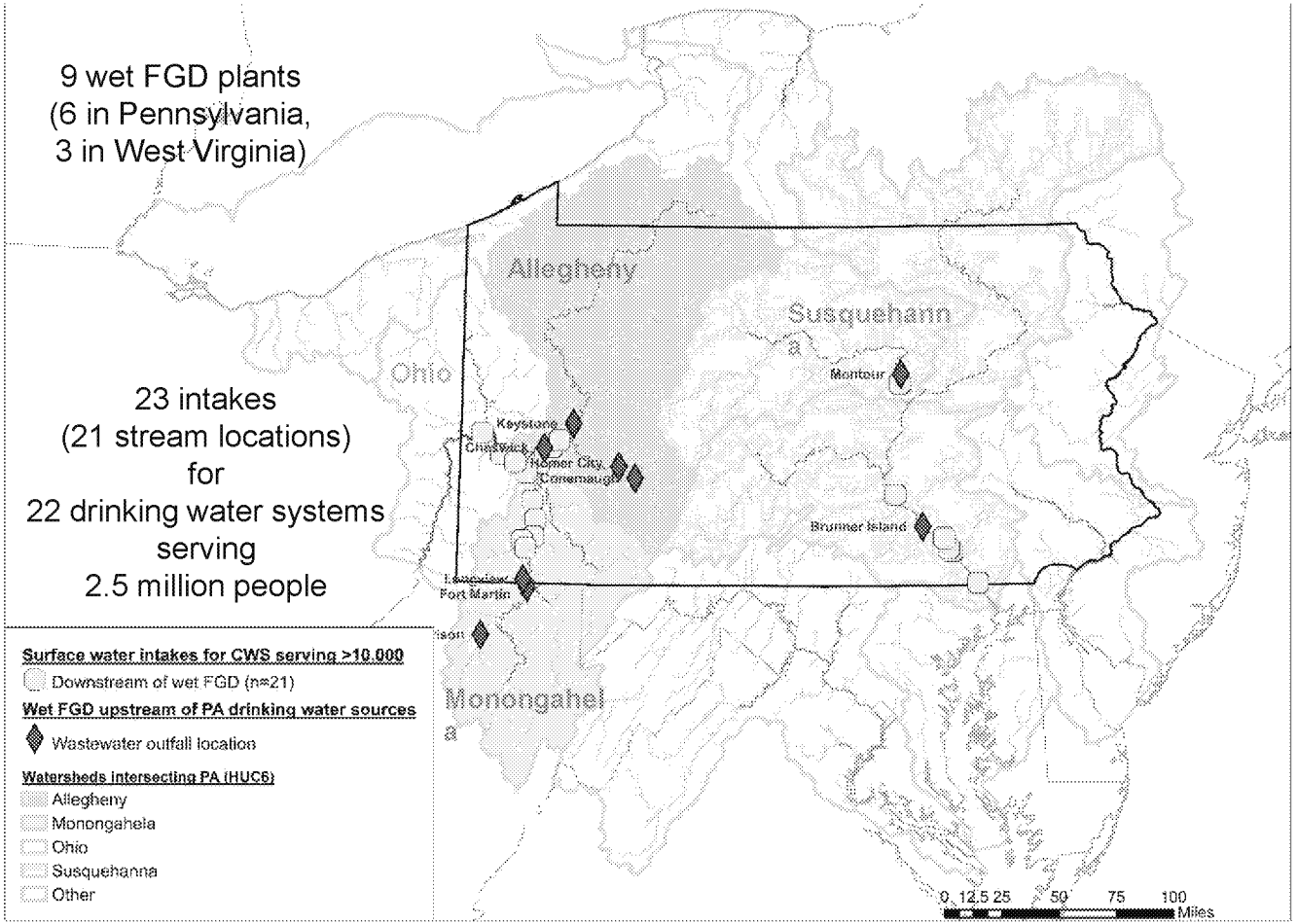
Coal-fired electricity generating units by FGD type within the watersheds



Stream locations for intakes courtesy of Dr. Paul Westerhoff, Dr. Jacelyn Rice, and Thuy Nguyen of Arizona State University.

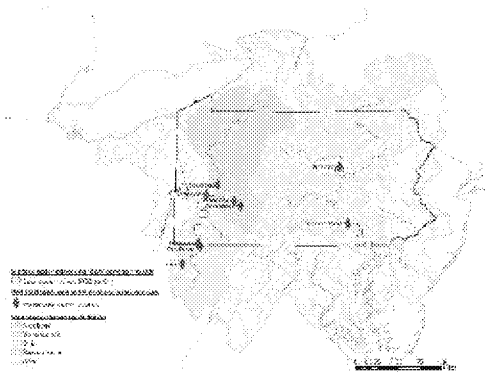
Good, K.D. & VanBriesen, J.M. (2017) "Power plant bromide discharges and downstream drinking water systems in Pennsylvania," *Environmental Science & Technology*, 51:20, 11829–11839.

Upstream wet FGD discharges (verified outfalls) and downstream drinking water intakes

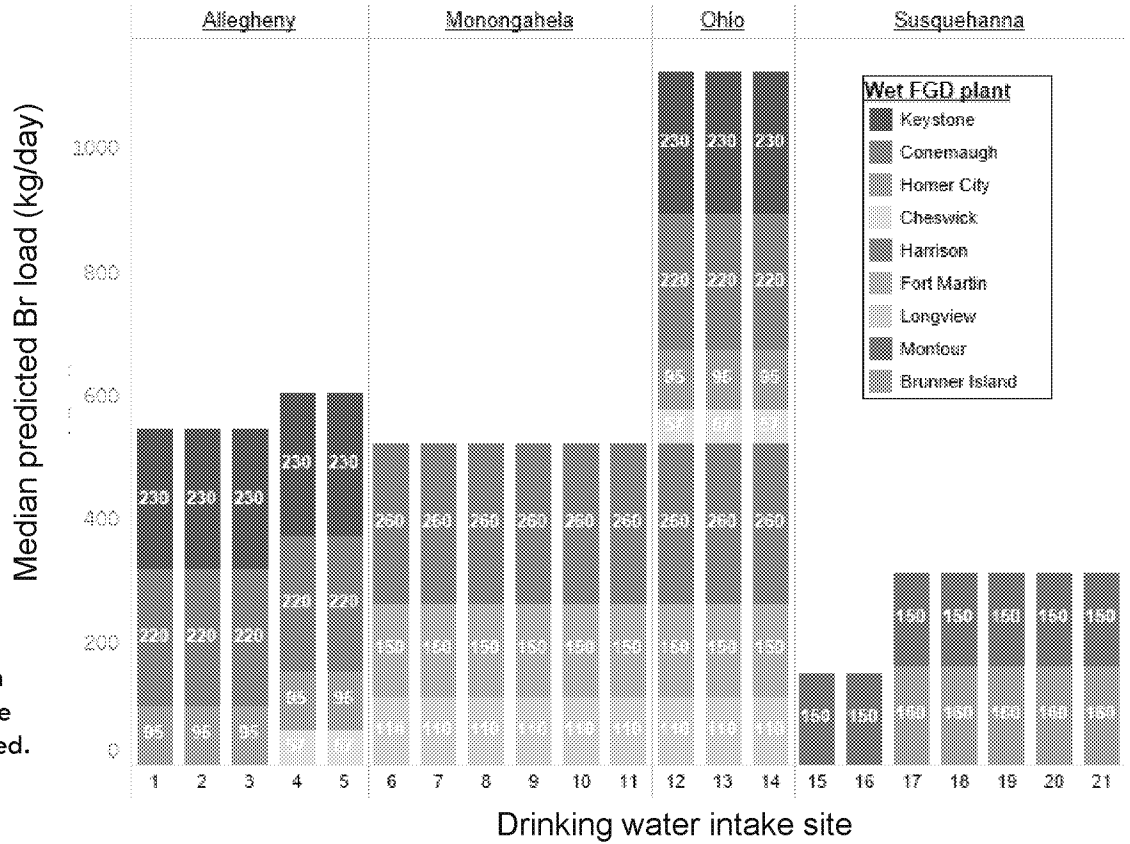


Good, K.D. & VanBriesen, J.M. (2017) "Power plant bromide discharges and downstream drinking water systems in Pennsylvania," *Environmental Science & Technology*, 51:20, 11829–11839.

The drinking water intake sites have different bromide load contributions from wet FGD power plants.

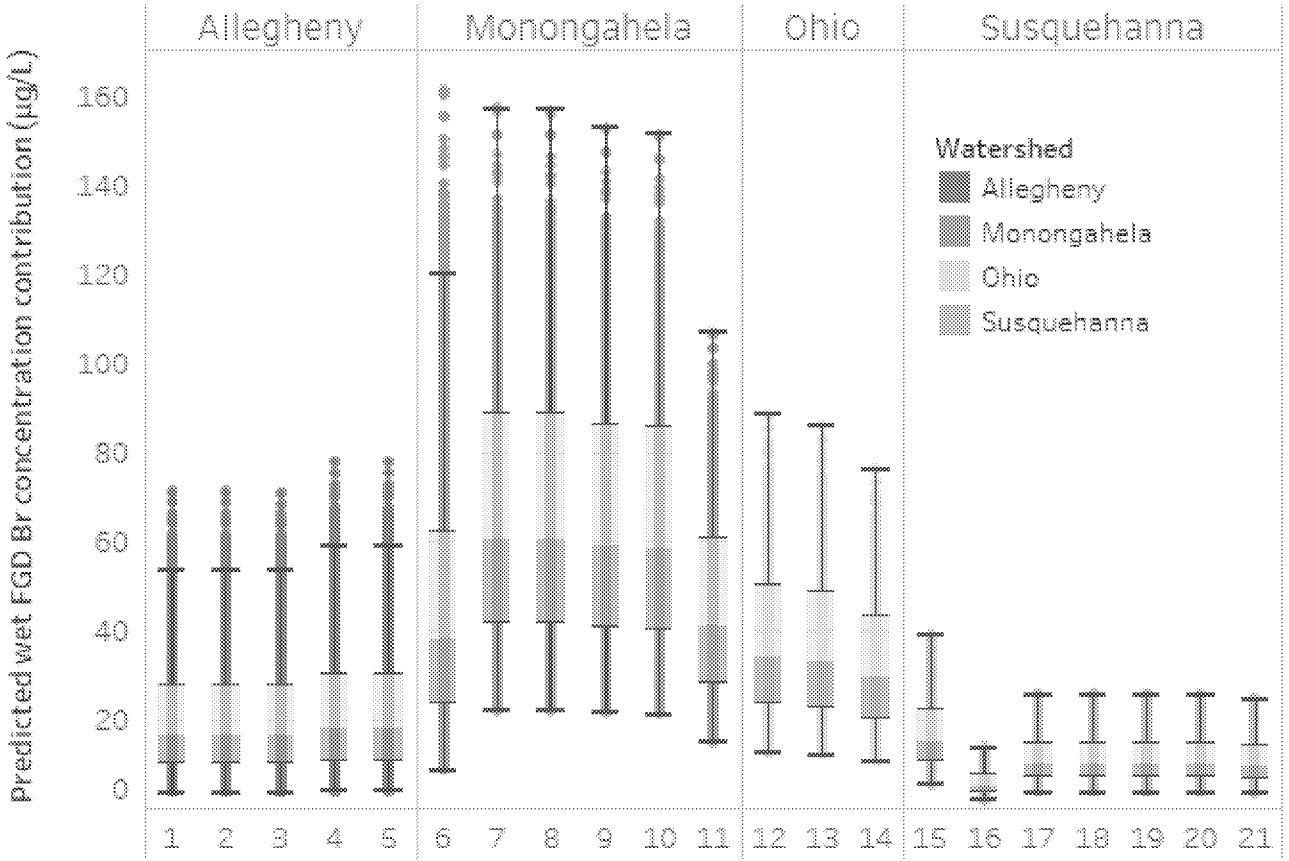


Using 2015-2016 coal consumption at each power plant (August) and estimated bromide concentration in the different types of coal used.



Good, K.D. & VanBriesen, J.M. (2017) "Power plant bromide discharges and downstream drinking water systems in Pennsylvania," *Environmental Science & Technology*, 51(20), 11829–11839.

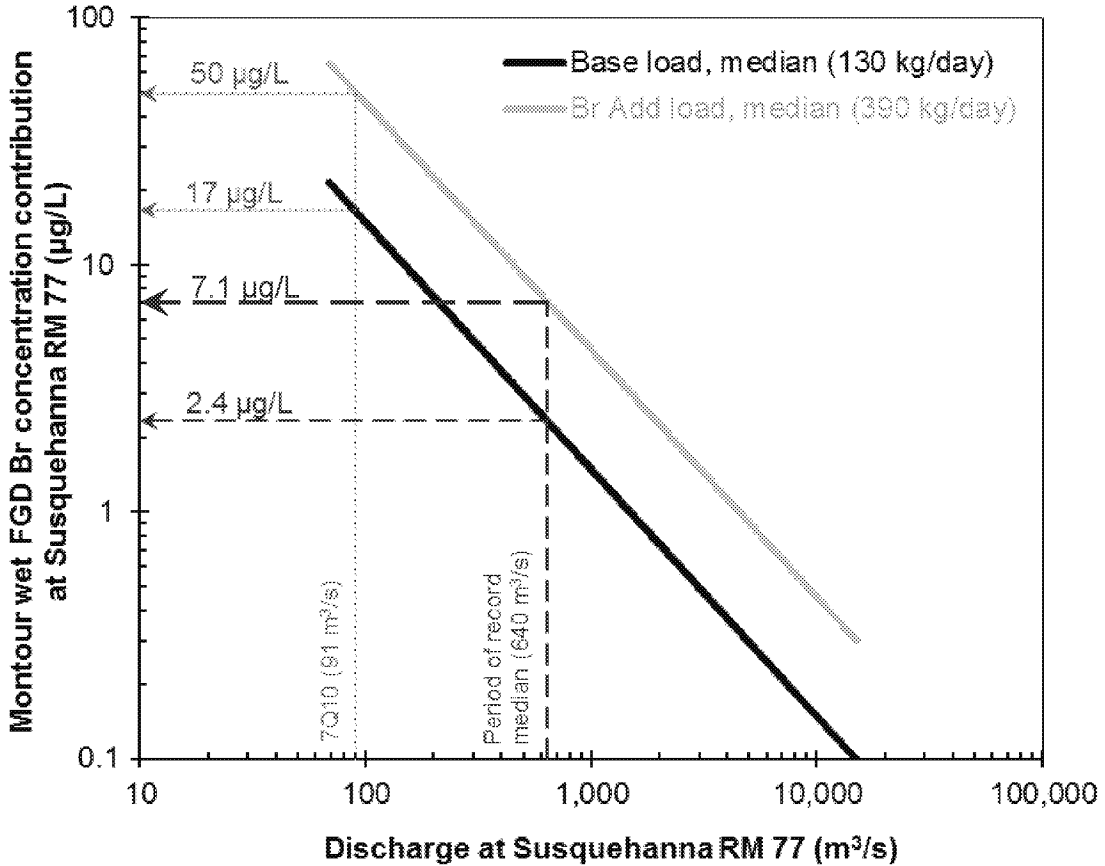
Concentration contributions from all upstream FGD discharges are predicted at each drinking water intake using load and flow information (for August).



NOTE: Using 2015-2016 observed bromide and flow data for the rivers, the wet FGD discharges were estimated to contribute to the total in-stream bromide:

31% (Allegheny)
30% (Monongahela)
38% (Ohio)
14% (Susquehanna)

Good, K.D. & VanBriesen, J.M. (2017) "Power plant bromide discharges and downstream drinking water systems in Pennsylvania," *Environmental Science & Technology*, 51(20), 11829–11839.

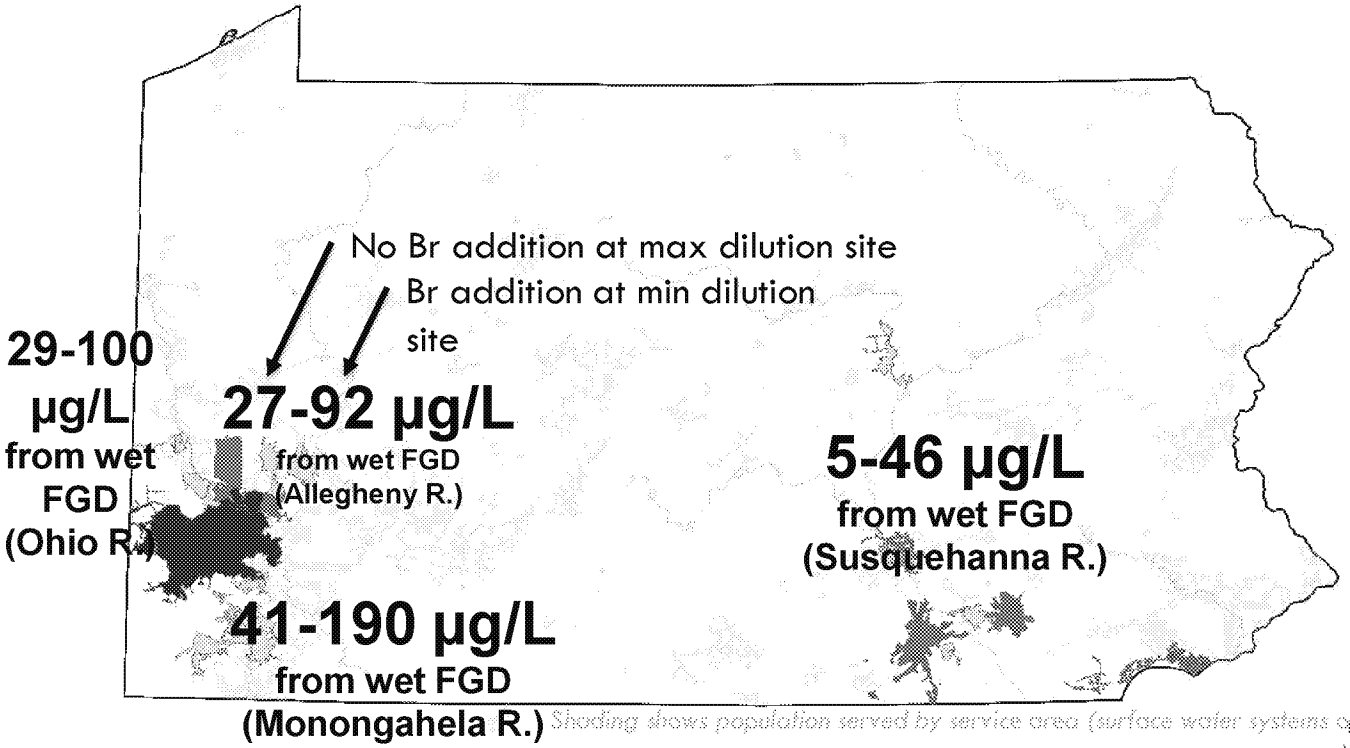


Good, K.D. & VanBriesen, J.M. (2017) "Power plant bromide discharges and downstream drinking water systems in Pennsylvania," *Environmental Science & Technology*, 51:20, 11829–11839.

Wet FGD discharges have the potential to contribute significantly to bromide concentrations in surface water sources in Pennsylvania that serve 2.5 million people.

Not studied:
5 million people use the Ohio River as a DW source.

Ohio River Basin downstream of PA has wet FGD CFPPs as well (9 additional in upper Ohio Basin; 8 additional in middle Ohio Basin; 15 additional in lower Ohio Basin).



Shading shows population served by service area (surface water systems only).

Good, K.D. & VanBriesen, J.M. (2017) "Power plant bromide discharges and downstream drinking water systems in Pennsylvania," *Environmental Science & Technology*, 51:20, 11829–11839.

Key Reference List

- Cornwell, D. et al. (2016). "Impact of Increased Bromide Discharges from Industrial Sources to Water utilities". Presented at AWWA Annual Conference and Exposition (ACE) 2016, Chicago IL.
- Cornwell, D. et al (2018). "Modeling Bromide River Transport and Bromide Impacts on DBPs.". *In publication Journal AWWA.*
- Good, K.D. and VanBriesen, J.M. (2017) "Power plant bromide discharges and downstream drinking water systems in Pennsylvania," *Environmental Science & Technology.* 51:20, 11829–11838. https://pubs.acs.org/doi/abs/10.1021/acs.est.7b03003.
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- McTigue, N.E., D.A. Cornwell, K. Graf, R. Brown. (2014). "Occurrence and Consequences of Increased Bromide in Drinking Water Sources." Journal American Water Works Association, 106:11, E492-E508. https://doi.org/10.5942/jawwa.2014.106.0141.
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- Wilson, J.M.; Y. Wang; J.M. VanBriesen. (2014). "Sources of high total dissolved solids to drinking water supply in Southwestern Pennsylvania." *ASCE Journal of Environmental Engineering.140, Special Issue: Environmental Impacts of Shale Gas Development, B4014003.* https://ascelibrary.org/doi/10.1061/%28ASCE%29EE.1943-7870.0000733 .
- Wilson and VanBriesen (2013). "Source water changes and energy extraction activities in the Monongahela River, 2009-2012." Environmental Science and Technology, 47 (21): 12575-12582. https://pubs.acs.org/doi/abs/10.1021/es402437n.

Message

From: MJ Marshall [MJ.Marshall@grayling.com]
Sent: 9/4/2018 9:47:14 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: MJ Marshall [MJ.Marshall@grayling.com]
Subject: Following up on request for meeting PLEASE RESPOND

Hi Ryan: I'm following up on the request for a meeting I recently left with your office.

If you have a minute to call to discuss I'll be very grateful.

Best wishes,

MJ Marshall
Senior VP
Grayling
Ex. 6

Message

From: Lorman OnDemand Webinars [customerservice@lormanonline.com]
Sent: 9/7/2018 2:22:18 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Developing Sustainable Decentralized Wastewater Systems - OnDemand Webinar

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Credits*:

Rural, suburban and urban communities across the United States are wrestling with increasingly complex wastewater management issues in the face of funding limitations for system upkeep and new infrastructure, environmental degradation and water resource limitations, and increasing energy costs. Aging septic systems and new development in exurban areas often present acute challenges, prompting these communities to seek public sewer extensions for wastewater management. However, because of the high upfront, recurring and secondary costs of large, public sewer systems, many private and public entities are taking a fresh look at decentralized, soil dispersing wastewater treatment systems. Communities are finding new and innovative ways to manage decentralized systems in a way that saves money and improves environmental and social conditions in their service areas. This OnDemand Webinar will provide an overview of the essential elements of sustainable decentralized wastewater management systems, including everything from the nuts-and-bolts basics of proper design to emerging applications for decentralized water reclamation and reuse systems in urban and suburban areas, using real world case studies to illustrate key points in a way that is relevant to participants.

Learning Objectives:

- You will be able to describe system design fundamentals.
- You will be able to discuss types of distributed/decentralized system management programs.
- You will be able to identify sustainability drivers for and benefits of distributed/decentralized systems.
- You will be able to describe the steps involved in planning and implementing a decentralized system.

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Message

From: John Blount [john.blount@ervinhillstrategy.com]
Sent: 8/27/2018 1:56:54 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: At ur convenience

Can you give me a call.

John Blount
SVP, Global Government Affairs
Ervin | Hill Strategy
410 First Street, SE
Suite 300
Washington, D.C. 20003
Ex. 6

Message

From: Amy Harder [amy@axios.com]
Sent: 8/20/2018 9:14:41 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: What's driving our climate and energy divide

What's driving our climate and energy divide

View this email in your browser

http://axios.link/B0PR

ICYMI: Last week I joined Greentech Media's new Political Climate podcast,

where we covered a range of issues including the DNC fossil-fuel ban, Kigali amendment and the degree to which alarmism around these issues helps or hurts. Check it out here.

Cheers,

Amy

COLUMN / HARDER LINE

What's driving our climate and energy divide

America's hot summer is fueling wildfires — and a fierce debate over climate change, the single most polarized policy in the U.S.

The big picture: There are plenty of reasons for this divide. Fossil-fuel industry lobbying is one. Our elections that encourage partisanship and tribalism don't help. A lot more is at play underlying these factors. Here's a rundown of what I see time and again that inflame our divisions.

Black and white rhetoric for a gray topic

Listening to some interest groups and politicians, fossil fuels are either terrible for the planet or a godsend to humanity. The truth is, they're some of both.

- Yes, most scientists agree humans' burning of fossil fuels is the primary driver of Earth's rising temperatures over the last century. That's already having and will increasingly have consequential — largely negative — impacts on our planet.
- Also yes, fossil fuels are the foundation of our modern-day economy, and they power most of our everyday lives, whether it's electricity or petro-made plastics. Many of us take our use of fossil fuels for granted — along with all kinds of energy — because we expect to have them all the time.

Beginning with more nuanced and humble perspectives could lead to more constructive dialogues.

Ignoring science at your convenience

Many Republicans, industry officials and right-leaning news organizations continue to dismiss or openly mock the scientific community's warnings about climate change. This comes despite acceptance of science on other issues like health care and genetically modified organisms (GMOs).

For many conservatives, it's not actually about the science. It's about the policies that would address it, which often entail bigger government roles—and that doesn't fit into conservative orthodoxy. Oklahoma Republican Sen. James Inhofe, Washington's most vocal skeptic of climate change, said as much in 2012.

Some Republicans are acknowledging the science more, but it's nowhere near a dominant public view within the GOP.

Passive problem solving

More recently, Republicans indirectly acknowledge climate change is occurring — but still don't say it.

- GOP committee leaders in the House are increasingly holding hearings on topics like geoengineering, alternative uses for coal and using technologies to address climate change.
- Trump administration officials tout how natural gas, which emits 50% less carbon dioxide than coal, has helped lower America's carbon emissions to levels not seen in decades. Yet these same Trump officials don't say they actually care about emissions being lower.

It's like an alcoholic going to AA without acknowledging he has a drinking problem. It's better than nothing, but you're probably not going to get far.

Overplaying your hand

News outlets, politicians, and interest groups sometimes exaggerate claims that then backfire.

- National Geographic took nine months to walk back a video it posted in December showing a starving polar bear and linking it directly to climate change. The video became its most-watched ever. The magazine overplayed its hand by drawing a direct connection despite not having evidence, as the follow-up article implied.
    - Spokeswoman Courtney Rowe said the magazine wanted to "confront a correction with the same care and consideration we infuse in each story we share with our global audience." Her emailed statement concluded: "having an honest conversation with our readers when we misstep is a responsibility we take seriously."
- New York magazine's Uninhabitable Earth article from last year faced widespread criticism from scientists as alarmist and ignoring scientific uncertainties. It became the magazine's most-read article.
    - The author responded to the criticism here.

Two things happen in these cases:

1. They illustrate why some people are skeptical of established climate science.
2. They provide fodder to claim the problem is overblown.

Human-driven climate change is a slow-moving, complicated global problem. Anybody working in this space undermines their credibility if they make it more than what it is, even if the reality may be less dramatic.

What about-ism

This rhetorical device is common in politics: Attempting to discredit a position instead of responding to a question. Republicans do this as a way of avoiding acknowledging climate change.

- Republicans sometimes ask: Why aren't China and India doing more to cut their emissions? It's a worthy argument, but not a replacement for addressing climate change.
- What about forest mismanagement? That's President Trump and Interior Secretary Ryan Zinke's response when scientists and journalists say fires are partly fueled by climate change. It's not one or the other, it's both (and complicated).

Convenient problems

Some Democrats and environmental groups hide behind technological problems to avoid taking explicit positions. The upshot is often slowed progress. I see this with nuclear power and carbon capture.

Most established science says these technologies would be big assets in cutting greenhouse gas emissions — a priority for many progressives. But they also bring challenges, like cost and public safety concerns.

For example, on nuclear power, which doesn't emit any greenhouse gases, Democratic Sen. Edward Markey of Massachusetts lists his concerns that must be satisfied before he would support it.

More intellectually honest paths:

- Say outright that you oppose something for X or Y reasons even though it helps with a competing priority.
- View a technology's problems as hurdles to overcome instead of barriers to hide behind.

What are other factors fuel our polarization on these issues? Email me at amy@axios.com.

Amy
energy reporter, Axios

Ex. (b)(6)

@AmyAHarder

Want to change how you receive these emails?

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This email was sent to jackson.ryan@epa.gov

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Message

From: Brent Fewell [brent.fewell@earthandwatergroup.com]
Sent: 8/28/2018 3:20:54 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Willis, Sharnett [Willis.Sharnett@epa.gov]
Subject: RE: Coffee

Let me know what works. We can meet on or off campus.

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Tuesday, August 28, 2018 11:12 AM
To: Brent Fewell <brent.fewell@earthandwatergroup.com>
Cc: Willis, Sharnett <Willis.Sharnett@epa.gov>
Subject: RE: Coffee

Yeah, I'll be in town Friday. Should be pretty quiet I hope.

From: Brent Fewell [mailto:brent.fewell@earthandwatergroup.com]
Sent: Tuesday, August 28, 2018 10:05 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Coffee

Got time for coffee or lunch Friday? Have an NPR interview at 11 but should be free by noon.

Brent

Brent Fewell, Esq. | Earth & Water Law Group
1455 Pennsylvania Ave., NW, Suite 400, Washington, DC 20004
Ex. 6 www.earthandwatergroup.com

LinkedIn

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Message

From: Ari Natter (BLOOMBERG/ NEWSROOM:) [anatter5@bloomberg.net]
Sent: 9/6/2018 2:42:00 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: you around?

Do you have time for a quick call today man?

Ari Natter
Reporter
Bloomberg News
Ex. 6
@AriNatter
Stories: bloom.bg/2mBBE2I

From: jackson.ryan@epa.gov At: 08/14/18 11:17:57
To: Ari Natter (BLOOMBERG/ NEWSROOM:)
Subject: Re: you around?

Let me check and get back with you.

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

On Aug 14, 2018, at 11:17 AM, Ari Natter (BLOOMBERG/ NEWSROOM:) <anatter5@bloomberg.net> wrote:

Wednesday evening or sometime during the day Thursday. That work?

Ari Natter
Reporter
Bloomberg News
Ex. 6
@AriNatter
Stories: bloom.bg/2mBBE2I

From: jackson.ryan@epa.gov At: 08/14/18 11:14:40

To: Ari Natter (BLOOMBERG/ NEWSROOM:)
Subject: Re: you around?

Sure. When works for you?

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

On Aug 14, 2018, at 10:33 AM, Ari Natter (BLOOMBERG/ NEWSROOM:) <anatter5@bloomberg.net> wrote:

Hey man --

Just sent you a text too...Any chance your around this week and have time for a quick meet up?

Thank you sir!

From: Ari Natter (BLOOMBERG/ NEWSROOM:) At: 06/06/18 17:27:29
To: jackson.ryan@epa.gov
Subject: What's up with this?

Message

From: ACC President [ACC_President@americanchemistry.com]
Sent: 8/21/2018 5:22:16 PM
To: Wheeler, Andrew [wheeler.andrew@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Invitation Letter from Cal Dooley, President & CEO, American Chemistry Council
Attachments: Letter of Invitation to Acting Administrator Andrew Wheeler.pdf

Good afternoon Administrator Wheeler,

Attached, please find a letter of invitation to be our keynote speaker at the American Chemistry Council's GlobalChem Conference on March 7, 2019. We hope your schedule will allow us the honor of you speaking at our opening session. I have also mailed you a hard copy of this letter.

Regards,
Cal Dooley

Cal Dooley
President & CEO
American Chemistry Council
cal_dooley@americanchemistry.com
700 2nd Street NE, Washington, DC 20002
Ex. 6

++++++++++++++++++++++++++++++ This message may contain confidential information and is intended only for the individual named. If you are not the named addressee do not disseminate, distribute or copy this email. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message which arise as a result of email transmission. American Chemistry Council, 700 – 2nd Street NE, Washington, DC 20002, www.americanchemistry.com

CAL DOOLEY
PRESIDENT AND CEO

August 21, 2018

The Honorable Andrew Wheeler
Acting Administrator
US Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Keynote Speaker Invitation for GlobalChem – Thursday, March 7, 2019

Dear Acting Administrator Wheeler:

On behalf of the American Chemistry Council (ACC), I would like to invite you to be the keynote speaker at the opening session of our GlobalChem Conference, at the OMNI Shoreham Hotel in Washington, D.C. The conference provides an excellent opportunity to speak directly to the chemical industry's leading environmental, health and safety professionals about your Agency's chemical regulatory initiatives and actions.

GlobalChem is considered the premier chemical regulations conference. The Conference is expected to draw about 450 attendees, including the chemical industry's corporate regulatory officers and other stakeholders who deal with chemical management issues. Our conference covers both U.S. domestic and international chemical regulatory developments. Representatives of the trade press typically attend GlobalChem.

We have greatly valued the significant role that EPA professionals in the Office of Chemical Safety and Pollution Prevention have long played in GlobalChem. Agency staff typically participate as speakers and panelists on key chemical management issues and programs. The GlobalChem Conference would serve as a unique opportunity to speak directly to the regulated community on the impact of the amendments and possible future regulations relevant to the chemical industry under the Agency's key statutory authorities. Aspects of EPA's regulatory agenda that address innovation in chemical screening and risk assessments, and enhancing public confidence in chemicals and chemical management will also be of interest to the attendees.

I very much hope you can join us as the keynote speaker for GlobalChem 2018. If we can provide your staff with any additional information please contact me or Richard Starr, ACC Ex. (b)(6) Richard_Starr@americanchemistry.com).

Sincerely,

Cal Dooley

Message

From: Brent Fewell [brent.fewell@earthandwatergroup.com]
Sent: 8/31/2018 10:22:00 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: See you at 12:30

Ex. 6

Get Outlook for iOS

Message

From: Hayly Humphreys Ex. 6
Sent: 8/16/2018 2:04:15 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: Re:
Attachments: Hayly Humphreys' Resume.pdf

No problem. Resume is attached. Thank you!

On Wed, Aug 15, 2018 at 6:48 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Thank you and thank you for coming in to visit with us. I'm sorry to ask for this again because I feel very sure I already received a copy, but can I get a resume for you for our file. I hope to speak to Andrew soon on all of this soon and can provide you with more information very shortly.

Ryan.

From: Hayly Humphreys Ex. 6
Sent: Wednesday, August 15, 2018 1:13 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: Re:

Hi Ryan,

Thank you so much for taking the time to meet with me yesterday. I enjoyed speaking with you and Kaitlyn and remain very interested in the position. Please let me know if I can provide further information.

Best,

Hayly

On Fri, Aug 10, 2018 at 11:36 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Yeah, I'll call about 5. Thanks.

From: Hayly Humphreys [redacted] Ex. 6
Sent: Friday, August 10, 2018 11:33 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: Re:

Would any time after 3PM work for you? And my number is [redacted] Ex. 6

Thanks!

On Thu, Aug 9, 2018 at 6:16 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Absolutely. Is there a good number and time to reach you?

From: Hayly Humphreys [redacted] Ex. 6
Sent: Thursday, August 9, 2018 4:42 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re:

Hi Ryan,

Thank you so much for reaching out. My apologies for the delay in response. If you are still available, I would like to hear more about the opportunity. Would you have time to chat tomorrow?

Thanks so much.

Hayly

On Fri, Aug 3, 2018 at 4:34 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Hey Hayly, I was having dinner with Todd the other night, and I asked him what you may be segueing to with the change in your office. Frankly, I'm still not over Senator Corker deciding to retire from the

Senate, but I wanted to see if you would like to talk about coming to the EPA. Specifically, Acting Administrator Wheeler needs an executive assistant. Let me know if you'd be interested in talking about that. You'd work closely with Andrew, me, and a few others that work with his travel in his immediate office. It's very similar to a Senate office. If you'd like to talk about that call me at Ex. 6 or email anytime.

Thanks.

Ryan.

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

Hayly Humphreys

Ex. 6

EDUCATION **FURMAN UNIVERSITY** **Greenville, SC**

August 2010 - May 2014 Bachelor of Arts, Political Science

EXPERIENCE

United States Senate **Washington, DC**

Office of Senator Bob Corker (R-TN)

Assistant to the Chief of Staff ***January 2016- Present***

- Serve as both the primary assistant to our Chief of Staff, and as deputy scheduler to Senator Corker
- Spearhead our annual three-day staff training exercise including logistics and flights for over 60+ attendees
- Set and coordinate all meetings for legislative staff members
- Select interns for the Senator's personal office and the Senate Foreign Relations Committee
- Supervise intern program, managing and training all interns for the Senator's personal office

Healthcare Legislative Correspondent ***May 2015- December 2015***

- Managed all constituent correspondence regarding domestic and global healthcare issues
- Attended legislative briefings and hearings on behalf of the Senator
- Worked with the Healthcare Legislative Assistant to draft policy memos and press releases
- Met with constituents on behalf of Senator Corker to better understand their concerns regarding specific healthcare legislation

Constituent Services Representative ***June 2014 – May 2015***

- Oversaw and planned Washington, DC tour opportunities for Tennessee constituents
- Managed day-to-day operations of the front office
- Directed and coordinated Capitol events sponsored by Senator Corker's office, working with U.S. Capitol vendors and other Senate offices
- Organized the senator's weekly constituent breakfast

Intern ***Summer 2012***

- Provided Tennessee constituent tours of the Senate office buildings and the Capitol building
- Responded to constituent concerns and comments in the front office
- Utilized Intranet Quorum to sort and track the Senator's constituent correspondence
- Conducted legislative research
- Attended hearings, meetings, and briefings on behalf of the legislative staff

Office of Senator Lindsey Graham (R-SC) **Greenville, SC**

Intern ***Summer 2013***

- Advocated on behalf of Senator Graham and South Carolina veterans to the Dept. of Veterans Affairs in order to expedite disability claims
- Assisted in day-to-to management of Senator Graham's Greenville district office

Ex. (b)(6)

Message

From: Andrew Goldberg [andrew@agoragov.com]
Sent: 9/5/2018 4:29:44 PM
To: Wheeler, Andrew [wheeler.andrew@epa.gov]
CC: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; 'Christina Mason' [christina@agoragov.com]
Subject: Letter to Acting Administrator Wheeler re: Asbestos SNUR
Attachments: Letter to Andrew Wheeler 9 5 18.FINAL.pdf

Dear Administrator Wheeler:

Attached please find a letter signed by more than 240 companies and associations in the building industry urging the EPA to rescind its recent SNUR on asbestos.

If you have any questions, please feel free to have your staff contact me.

Sincerely,

Andrew Goldberg
Principal
Agora

1032 15th Street, NW, Suite 302
Washington, DC 20005
andrew@agoragov.com
Ex. 6
www.agoragov.com

September 5, 2018

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Wheeler:

We, the undersigned companies and organizations representing thousands of design and construction industry professionals, urge you to rescind the Agency's recent Significant New Use Rule (SNUR) that could pave the way for increased use of asbestos in our nation's buildings.

The design and construction industry works every day to create spaces that are safe, vibrant and sustainable. We recognize the dangers that toxic substances used in the manufacture of building materials pose to the public, and we are committed to reducing exposure to toxic chemicals through greater transparency and identifying safer alternative materials.

The dangers of asbestos are well-known. The federal government has classified asbestos as a known human carcinogen, and it has been banned by more than 50 countries. According to the Asbestos Disease Awareness Organization, nearly 40,000 people die each year for causes related to asbestos, including asbestosis, lung cancer and mesothelioma.

Although recently enacted reforms to the Toxic Substances Control Act (TSCA) authorize the EPA to re-evaluate the safety of various chemicals, we are deeply concerned that the methodology that EPA is using neglects to consider the well-known risks of asbestos to both those who work directly with the material and those who come into contact with it. Worse, EPA is ignoring the impacts of asbestos on the broader environment, despite the considerable data demonstrating its threats to the public when its particles become airborne.

The Agency's rule places many of our fellow workers in the construction trades at risk of greater exposure to asbestos. According to the National Institutes of Health, "It has been estimated that approximately 1.3 million workers in construction and general industry potentially are being exposed to asbestos during maintenance activities or remediation of buildings containing asbestos." The last thing we need to do is create additional danger for these workers by allowing for increased use of asbestos.

It is particularly troubling that the Agency seeks to make asbestos more readily available at a time when the number of asbestos substitutes on the market is on the rise. We should be accelerating research and development into such products instead of turning back the clock to a time when the widespread use of asbestos imperiled the public's health and safety.

For these reasons, we urge the EPA to rescind its Significant New Use Rule and work with the design and construction industry to advance safer and healthier buildings.

Sincerely,

A.Bondi Architects
ABA Studio
Agora
Ahearn & Kwock Architects, Inc.
AIA Chicago
AIA New Orleans
Alvin Dunaisky, AIA, AICP Architect Planner
Alyssa Brook
Andrea Mango, Architect
Anthony Abbate Architect PA
ARCHENTASIS
Architectural Nexus
Architectural Resource Team
Architecture Is Fun, Inc.
Arrowstreet
atelierjones LLC
Ayers Saint Gross
Aztec Architects, LLC
B+AC, LLC
Badger and Associates, Inc.
BAR Architects
Barbara L Hall PE Inc.
Bassetti Architects
BC Architects, Inc.
Bergmeyer
Bestor Architecture
Bill Spaulding, Architect
BKV Group
Bl Makepeace
blue point architecture
BNIM
Bohlin Cywinski Jackson
Bora Architects
Borrero Architecture
jdai Studio
Jeff Oberdorfer FAIA
Joe Snider Consulting
John Friedman Alice Kimm Architects
John Harrison Jones, Architect, AIA
JR Frank Design LLC
Kari Richardson Architect
Katerra
Kipnis Architecture + Planning
Kirksey Architecture
Kittner & Pate Design Associates
KLZAIA
Koning Eizenberg Architecture
Krueck+Sexton Architects
L. E. Martin, AIA Architect
Lake|Flato Architects
Lance Jay Brown, FAIA A + UD
Leddy Maytum Stacy Architects
Levin & Associates
Lighthouse Investments, LLC
livinghomes
Long Green Specs
Lord Aeck Sargent, A Katerra Company
Lyndan, Inc.
M.C. Harry & Associates
Mahlum Architects
Melissa Kite Desigsn
MG2
Michael P Dolce AIA Architect
Michael Singer Studio
Michelle F. Gillette-Murphy, AIA
Miller Dyer Spears
Mithun
Moore Ruble Yudell Architects and Planners

Bright Common
Brooks + Scarpa Architects, Inc.
Browning Day Mullins Dierdorf
Brummitt Energy Associates Inc.
Brush Architects llc
CallisonRTKL
CambridgeSeven
Campbell Coyle Real Estate
CannonDesign
Catherine Lee Doar Design
Celeste Allen Novak Architect
Christner Architects
Christner, Inc.
Chu + Gooding Architects
Civil Design, Inc.
CO Architects
Coalition for a Sustainable Built Environment
Colley Architects, P.C.
Colorspace Architecture & Urban Design
Commonwealth Architects
COOKFOX Architects
Cowart Group Architects
Cuningham Group Architecture, Inc.
Curtis + Ginsberg Architects LLP
D+FORM
Daniel Villa Architect, LLC
David Baker Architects
Davis Partnership Architects
Debra Hakimi
Derek Rubinoff, Architect
Design Team, LLC
Designs for Life llc
Development Management Associates, LLC
DF Swoboda Architecture
DIALOG
Dietz & Company Architects, Inc.
DLB Architect
DLR Group
DOSU studio architecture
Mosaic Architecture
Moseley Architects
MSR Design
Nat Crosby
National Community Renaissance
NBBJ
Northern Enviromental Group
OPN Architects
Opsis Architecture
organicARCHITECT
ORLI+
Overland Partners Architects
PAD designs
Palms Hawaii Architecture
Paul J. Levine, Architect
Payette
PBS/AAD Schooleydesign
Pelli Clarke Pelli Architects
Pepper Construction Group
Perkins Eastman
Perkins+Will
Peter J. Arsenault, Architect
pHdesign
Phi Architects
Pickard Chilton
Placetailor
Plan-it Green
Plant Prefab
Porter Architecture Construction
Pulitzer/Bogard & Associates
Pyatok Architects
Quist Design Works LLC
R+D Architecture
Reiter Collaborative Services
Rice-Stromgren Architects
Rob Walker Architects, LLC
Robert S. Walker Architect
Rocco Ceo AIA
Roslyn Consultants, LLC

Dreyfuss Construction
DSH // architecture
Ecoimpact Consulting
Ellenzweig
Ennead Architects
ESG Architects
Eskew+Dumez+Ripple
EvaDale Trading
EwingCole
EYPAE
Falk Liggett Design
Farr Associates
Felici Labs PLLC
Fithian Architecture
Formation Architecture
Frank Bostrom AIA
Frederick + Frederick Architects
Frederick Fisher & Partners, Architects
Furman + Keil Architects
FXCollaborative Architects LLP
G!LL!S
Gail Flynn Architects
Goody Clancy
Gould Evans
Green Building Center - NJ
Green Leaf Architecture & Specification Support
Gregory John Burke | ARCHITECT, PA
Gwynne Pugh Urban Studio
Hacker Architects
Halliday Architects
Harvard University, School of Public Health
HD Architecture PLLC
Heather Gardner, Architect
HED
Hellmuth + Bicknese Architects
HERA, Inc.
HERNANDEZ-BAUZA, PSC, ARCHITECTS
HGA Architects
HKS
Ross Schonder Sterzinger Cupcheck PC
SD Atelier Architecture, LLC
SERA Architectects
Sevan Design LLC.
SGA Design Group
Sidney L. Delson FAIA Architect
Siegel & Strain Architects
Silverman Trykowski Associates, Inc
Simply Stated Architecture, PC
Smith+ Associates Architects, LLC
SoL Harris/Day Architecture
SPACE Architects + Planners
SRG Partnership, Inc
Stantec Architecture Inc
Steffen+Schwerin Architects, Ltd.
Steven Fichtel Architects
Stirling/Brown Architects, Inc.
STRATAap, Inc.
Stuart Architecture
Studio 401 Architecture, LLC
Studio G Architects
Studio Ma
Sustainable IQ
SWBR
SYNCRO Architecture Studio
Tao + Lee Associates
TDSi - The Design Studio, inc.
Tenant Improvement Management Experts, Inc.
The American Society of Interior Designers
The McIntosh Group, LLC
The Miller Hull Partnership
Thornton Tomasetti
Tyler Mason, AIA
UIC
Viridis Sustainable Building Consultancy LLC
VMDO Architects
Wauters Design Group, LLC
Weber Thompson
West Star Development

HMFH Architects
höffnerdesignstudio
HOK
I & I Design
ICON
Innovative Design
James Archer Architect, AIA
James J. Malanaphy AIA
Jan Hird Pokorny Architects PC
WFA
Whitlock Design Group
Wight & Company
Wilson Architects
WRNS Studio
yoshino architecture
YouthBuild Boston, Inc.
ZGF Architects LLP

Message

From: Jody Gale [jgale@farragutpartners.com]
Sent: 8/16/2018 1:23:56 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: Meeting Request

Hey, wanted to circle back in the note below. Any help would be appreciated. They don't have a specific ask at EPA, but want to make sure folks are aware of their capabilities etc... What they do is right up the Administrations ally, neutralize CO2 emissions at coal, cement, gas plants etc... Can also incorporate existing fly ash into the process. Happy to talk further if you have any questions.

Thanks!

Jody

From: Jody Gale
Sent: Monday, August 13, 2018 1:58:29 PM
To: jackson.ryan@epa.gov
Subject: Meeting Request

Ryan, hope all is well! Was hoping you might be able to point me in the right direction for a meeting at EPA for a client of mine, Blue Planet. To not get in the weeds, Blue Planet has a patent on a process that turns CO2 emissions from power plants into an aggregate that can be used to make concrete. They have tested extensively and are looking for a project to bring the technology to scale etc... We have a number of meetings set up next Wednesday at DOE and in the Senate but thought it might be a good idea to check in at EPA while our clients are in town. I don't do much work over at EPA so I thought I'd reach out to see if you had any ideas on a good point of contact to meet with. My best guess is that it would be someone in OAR. Any help would be greatly appreciated, thanks!

Jody

Jody Gale
Partner
Farragut Partners
1634 I Street, NW
Suite 1200
Washington, DC 20016
Ex. 6
jgale@farragutpartners.com

Message

From: Enterprise Risk Management - A-123 Updates [PotomacForum@internalControlsTraining.org]
Sent: 8/21/2018 4:31:42 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: [SPAM-Sender] OMB A-123 Appendix A & C and more Workshop for Government

- Register For Tues Aug 28th Internal Controls Training for Government -
- Please Forward to Others in Your Agency -

Internal Controls Over Reporting (ICOR), Enterprise Risk Management (ERM) and Program Integrity in Government Training Workshop:

What Federal executives, managers and practitioners need to know to convert compliance efforts into program advantage by incorporating the updated OMB Circular A-123, Appendix A and Appendix C as well as Yellow Book requirements that define management's responsibility for risk management-

Tuesday August 28,2018
Willard InterContinental Hotel
Washington, D.C.

Sponsored by:
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info@PotomacForum.org
(703) 683-1613

Government Keynote Speaker
Dr. Douglas Webster
Chief Financial Officer
Department of Education

Additional Government Speakers:

Bernice Lemaire
Chief Auditor
Office of Benefits Administration
Pension Benefit Guaranty Corporation (PBGC)

Bernice Lemaire
Chief Auditor
Office of Benefits Administration
Pension Benefit Guaranty Corporation (PBGC)

Jason Leecost
Director of Operational Risk Analysis Division
Office of Enterprise Risk, Ginnie Mae

Athena Elliott
Director
Office of Management Services
Indian Health Service

Scott Gaines, Policy Analyst
Office of Management and Budget (OMB)
(Awaiting Agency Approval)

Overview:

With the recent updates to key standards and revisions to Office of Management and Budget (OMB) Circular No. A-123 (A-123) Management's Responsibility for Enterprise Risk Management (ERM) and Internal Control, released on July 15, 2016 with OMB Memorandum M-16-17, M-18-16 (Appendix A, Management of Reporting and Data Integrity Risk) that was issued June 6, 2018 and M-18-20 (Appendix C, Requirements for Payment Integrity Improvement), that was issued on June 26, 2018, this will be an advanced level risk management workshop focusing on what agencies and Departments have done the last year in relation to the requirements that defines management's responsibility for internal control with an emphasis on integrating Enterprise Risk Management (ERM) and what they plan to do going forward to comply with the Appendix A and Appendix C updates. There will be a focus on best practices and what other agencies and Departments can to do move their risk management efforts forward.

In addition to the A-123 updates, we will discuss the recent updates to the Yellow Book, the Preeminent Standards for Government Auditing, released on July 17, 2018 and what that means for non-auditors.

This workshop is designed for the front-line practitioner, manager, or executive who is responsible for sustaining an effective internal controls and risk management program and who is charged in implementing the updated requirements of OMB A-123, including the two Appendices.

Why You Should Attend:
With limited resources, federal agencies are focused on administering internal control programs that are efficient and effective, avoiding duplication and minimizing the burden on staff. With several new requirements issued within the last several around strengthening internal controls, risk management and fraud risk assessments; it is even more important to avoid duplication of efforts.

Participants will learn how to efficiently and effectively strengthen an internal control and risk management program while complying with the new requirements of OMB A-123, GAO Green Book, GAO Fraud Risk Assessment and ERM.

The focus of this workshop will be on efficiently meeting the updated internal control and risk management requirements in an efficient and effective way.

What You Will Learn:
- **Practical Information from Practitioners - Not Theory**
- **Presentations by experts with extensive, practical experience**
- **Information which will help you continue to implement the updated requirements of OMB Circular A-123**
- **How to continue your risk management efforts**
- **Risk Management - how much is enough?**

Who Should Attend:
This workshop is limited to government employees only to permit candid discussion

- Financial management professionals
- Internal controls program managers and team members
- Program management professionals with internal controls responsibilities
- Program management professionals with risk management

responsibilities

- Auditors
- Internal controls steering committee members
- Inspectors General and Staff
- Chief Financial Officers and Staff
- Chief Risk Officers and Staff
- Chief Information Officers and Staff
- Risk Management Staff
- Chief Human Capital Officers, HR Managers and Staff
- Managers, Directors and Senior Officials who have fiduciary or financial responsibilities

Special "Send-A-Team" Registration Fees - 3rd Person at 50%

Register 3 persons from the same government office and the 3rd registers at 50% of the Current Registration Fee to encourage government teams to learn together. (3rd Person Registers for 50%)

Workshop Limited to Government Employees Only
(Federal, State and Local)
Press is NOT Permitted

Registration and Information:

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

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Go here to leave this mailing list or modify your email profile.
We respect your right to privacy. View our policy.

Potomac Forum, Ltd.

This email was sent by: **Potomac Forum, Ltd.**
400 North Washington Street , Alexandria , Virginia, 22314 , USA

Message

From: Lynn L. Bergeson [lbergeson@lawbc.com]
Sent: 9/4/2018 12:51:03 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: Ethylene Oxide

Apparently, the company emailed it to Region 5 office (Ed Nam)m, and did get one call with questions from IL EPA.

LYNN L. BERGESON
MANAGING PARTNER
BERGESON & CAMPBELL PC
2200 Pennsylvania Avenue, N.W. Suite 100W | Washington, D.C. 20037
Ex. 6 | F: 202-557-3836 | Ex. 6 | lawbc.com

From: Lynn L. Bergeson
Sent: Tuesday, September 04, 2018 5:58 AM
To: Ryan Jackson
Subject: RE: Ethylene Oxide

The request was emailed to both IEPA and EPA on August 28.

LYNN L. BERGESON
MANAGING PARTNER
BERGESON & CAMPBELL PC
2200 Pennsylvania Avenue, N.W. Suite 100W | Washington, D.C. 20037
Ex. 6 | F: 202-557-3836 Ex. 6 lawbc.com

From: Lynn L. Bergeson
Sent: Tuesday, September 04, 2018 5:55 AM
To: Ryan Jackson
Subject: Ethylene Oxide

Ryan,

Apparently the protocol was submitted to IEPA not federal EPA, as reflected in the attached which I just received. Nonetheless, any help you can provide to hasten the approval of the protocol is appreciated. The sooner the protocol is approved, the sooner the stack testing can be completed.

Thanks

LYNN L. BERGESON
MANAGING PARTNER
BERGESON & CAMPBELL PC
2200 Pennsylvania Avenue, N.W. Suite 100W | Washington, D.C. 20037
Ex. 6 | F: 202-557-3836 Ex. 6 | lawbc.com

Message

From: Records Management in Government XVI [PotomacForum@RecordsMgmtInGov.org]
Sent: 9/4/2018 12:32:44 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: [SPAM-Sender] Next Thurs Sept 13th - Records Management in Gov Workshop XVI

Please Forward to Records Managers and Staff -

US Chief Records Officer and NARA Executives to Keynote

Records Management in Government Training Workshop XVI

Latest Information on Records Management from NARA, Government Records Managers, and Industry Experts

Report from NARA - Results of the New Records Management Annual Report

Lessons Learned and Best Practices

September 13, 2018
Willard InterContinental Hotel
Washington, D.C.

Early Bird Reduced Registration Until August 31st

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for Information and Registration:

www.PotomacForum.org
The Leader in Government Training Since 1982

Keynote Speaker:
Mr. Laurence Brewer
Chief Records Officer for the U.S. Government

Additional NARA Speakers
Don Rosen
Director of Records Management Oversight and Reporting
National Archives and Records Administration (NARA)
--
Arian Ravanbakhsh
Manager, Policy and Program Support Team
National Archives and Records Administration (NARA)

Courtney Anderson
Electronic Records Policy Analyst
National Archives and Records Administration (NARA)

Gary Rauchuss
Office of the Chief Records Officer
National Archives and Records Administration (NARA)

Additional Government Speakers

Rachel E. Frier
Records Management Branch Chief
Federal Emergency Management Agency (FEMA)
U.S. Department of Homeland Security

Mark Patrick
Chief, Information Management Division, The Joint Staff Secretariat
Department of Defense (DOD)
(awaiting agency approval)

Tim Kootz
Records Management Division Chief
Office of Information Programs and Services
Bureau of Administration
Department of State
(awaiting agency approval)

David D Alspach
Departmental Records Officer
Policy Planning & Management Division
Office of the Chief Information Officer
Department of the Interior
(awaiting agency approval)

Timothy J. Kootz
Departmental Records Officer
Department of State
(awaiting agency approval)

Patti Stockman

NASA Records Officer
Office of the Chief Information Officer
(invited)

Additional Speakers to be Announced Soon

This workshop will examine the SAO Annual Records Management Report - Lessons Learned from the Report to Improve Records Management at Your Agency

Potomac Forum Workshops are Not Conferences
We are 100% Educational Events

Government & Industry Partners Invited to Attend
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www.nccaiim.org

ARMA International
Metro Maryland Chapter
www.arma-metromd.org

Government and Industry Partners are Invited to Register

This Potomac Forum Training Workshop will help agencies to comply and meet the NARA and OMB requirements

Overview:

NARA is focusing on Agencies working on the next deadlines for federal government electronics records, email in the cloud, improved methods for contracting for records management services partnering with GSA and

other government-wide initiatives. Agencies continue to focus on email retention and management in accordance with regulations and policy and e-discovery. It is important to understand how the NARA/OMB regulations and deadlines will impact your agency.

This one-day Potomac Forum Workshop will focus on the activities mandated by the NARA/OMB Records Management Directive and related management issues and initiatives. Key executives from NARA and government agencies will discuss the current state of government records management and compliance with policy, regulations and best practices.

Lessons learned from the recent *Federal Agency Records Management Annual Report (Senior Agency Official for Records Management Report Federal Email Management Report and Records Management Self-Assessment)* will be discussed.

The Chief Records Office of the U.S. Government will present the Workshop Keynote and a special follow-on panel with the NARA Executive Leaders will discuss current and proposed government-wide records management initiatives.

What You Will Learn:

- Lessons learned from the *Federal Agency Records Management Senior Agency Official 2017 Annual Report*
- What needs to be done to comply with the deadlines imposed by OMB M-12-18
- How the role of technology will evolve in the achievement of OMB M-12-18's goals including Cloud Computing
- What the components of a sustainable Records Management program will be in this new environment
- How the Senior Agency Officials can and are making a difference in improving the management of government records - Lessons Learned from the SAO reporting
- NARA Requirements for managing email - lessons learned from IRS news event - Complying with the Law - the Federal Records Act and what it means for email and other records losses
- Specific agency actions to be completed in response to the Directive by 2019
- and more....

Why You Should Attend:

- To gain a clear understanding of OMB M-12-18
- Updated information from NARA on training and agency outreach

- **To assist you in getting the best start on latest thoughts on the implementation of OMB M-12-18**
- **To learn key funding strategies to help your agency implement solutions to meet its objectives**
- **Hear from other government officials about the practical aspects of complying with the Directive**
- **Ensure success of your Records Management Program as you implement the Directive**
- **Lessons Learned since the publication of the Directive**
- **Understand the NARA requirements for email management - avoiding embarrassing non-conformance**
- **Understand email retention regulation, policy, and legislation.**

Who Should Attend:

- **Records Managers and staff.**
- **CIOs and the Staff including technical staff involved with Records Management**
- **Senior Agency Officials (SAOs) for Records Management and those who report to or support the SRO**
- **IGs and Staff**
- **All those with responsibility for initiating and carrying out the reforms mentioned in the President's Records Management Directive**
- **Professionals responsible for managing information resources on an enterprise-wide basis**
- **Those needing to understand latest NARA policy and guidance**
- **Contracting, Procurement and Acquisition Management Professionals**
- **Program Managers Who Must Understand Records Management in Government**
- **Government executives who want to understand email retention and records management regulation, policy, and legislation.**
- **Industry Partners**

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Format:

This workshop will combine keynote presentations by NARA, lectures on implementing the Directive, real world examples

and discussions to provide a thorough, enjoyable day of learning.

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Potomac Forum, Ltd.

This email was sent by: **Potomac Forum, Ltd.**
400 North Washington Street , Alexandria , Virginia, 22314 , USA

Message

From: MJ Marshall [MJ.Marshall@grayling.com]
Sent: 8/21/2018 12:38:42 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: MJ Marshall [MJ.Marshall@grayling.com]
Subject: Following up on request for meeting PLEASE RESPOND

Hi Ryan: I'm following up on the request for a meeting I recently left with your office.

If you have a minute to call to discuss I'll be very grateful.

Best wishes,

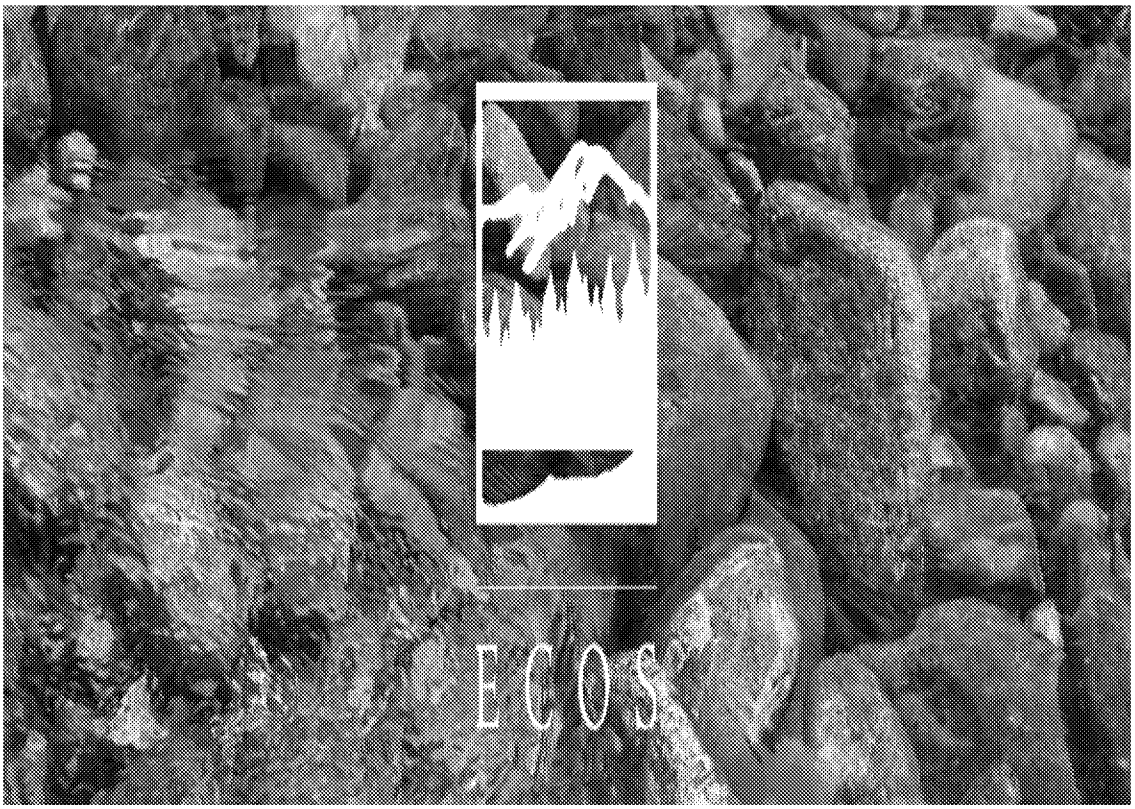
MJ Marshall
Senior VP
Grayling
Ex. 6

Message

From: ECOS [ecos=ecos.org@mail143.atl221.rsgsv.net]
on behalf of ECOS [ecos@ecos.org]
Sent: 8/17/2018 5:44:25 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: The Best Management Advice Pennsylvania's McDonnell Has Received, ECOS Set to Welcome 45 States to Vermont, & More

The Best Management Advice Pennsylvania's McDonnell Has Received, ECOS Set to Welcome 45 States to Vermont, & More

ECOSWIRE | Vol. 20 No. 33 View this email in your browser



ECOSWIRE

Friday, August 17, 2018

Vol. 20 No. 33

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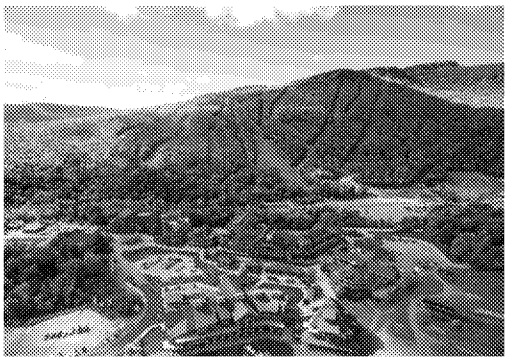
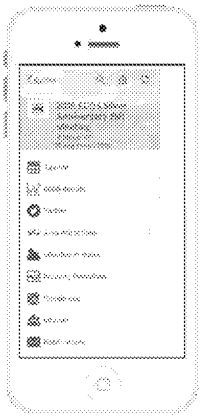
ECOS Finalizes Fall Meeting Agenda, with 45 States Set to Attend

Please Report Issues with Your Mobile App by August 20



ECOS is pleased to announce the final agenda for the **August 27-30** Silver Anniversary

Fall Meeting in Stowe, Vermont. The lineup includes a newly arranged session on August 29 with David Ross, Assistant Administrator for the U.S. EPA Office of Water, on key issues surrounding Clean Water Act sections 401 and 404. Our action-packed meeting on *25 Years of Progress* now has nearly 200 registered attendees from 45 member states, federal agencies, industry, and nongovernmental organizations.



The meeting will feature a personalized mobile meeting app. Make sure to download the Guidebook app (instructions here) to receive the most up-to-date meeting information, participate in live polls, and view the agenda, area attractions and more. We are aware that there may be difficulties associated with downloading the meeting app on government-issued phones. **If you are unable to download the meeting app in advance on your personal or work phone, please email Megan Swanson by Monday, August 20 so we can arrange an alternate way for you to participate.** The meeting agenda and other information will still be posted on the ECOS Fall Meeting webpage should you choose to print your materials in advance.

The ECOS room block at the Stowe Mountain Lodge is now closed. Please contact Megan Swanson before canceling your group rate hotel reservations so that she can arrange a transfer to the next individual on the ECOS waiting list.

See additional agenda, app, hotel, and registration details here. [Parisien/Swanson]

Vermont VIP Transportation Reservations Due August 22

Vermont VIP Services offers a private car service for up to 3 people to and from the Stowe Mountain Lodge for a total of $150 (tip included) each way and a ride-share option for $48 (tip included) each way. If you are interested in this service, please email JoEllen.vtvip@gmail.com or call (802) 558-1900 by **August 22** so that the company has time to coordinate shared rides for ECOS attendees. Please provide a cell phone number and email address for the day of travel. [Swanson]

ECOS Weighs in on U.S. EPA Science Transparency Proposal

On August 16, ECOS raised in a comment letter to U.S. EPA its concerns with the agency's proposed Strengthening Transparency in Regulatory Science rule. The proposal would require the public availability of the underlying data of scientific studies pivotal to EPA regulations.

In the letter, ECOS Executive Director & General Counsel Sam Sankar notes that there are legitimate reasons, such as personal confidentiality in medical studies, that prevent some data from being made publicly available. He adds that several of the authorizing federal statutes for EPA's work direct that decisions be made based on the best available science and do not call for full data transparency.

In addition, ECOS cautions that the rule could create public confusion surrounding EPA and state use of different science studies in making decisions. The association also warns that the rule could potentially delay action on pressing high-profile issues like PFAS. [Hanson]

ECOS and Water, Wetlands Associations Urge Caution in CWA Section 401 Debate

ECOS and two other prominent environmental associations weighed in this week on the proper scope of the Clean Water Act provision that lets states protect their waters from the impacts of federal permitting decisions.

Joined by the Association of Clean Water Administrators and the Association of State Wetlands Managers, ECOS sent a joint letter to congressional leaders in advance of an August 16 Senate Environment & Public Works Committee hearing on the Water Quality Certification Improvement Act. Committee Chairman John Barrasso (R-WY) introduced this bill recently to clarify issues states can consider in exercising their authority under Section 401 of the Clean Water Act.

Section 401 allows states to review federal agencies' permitting decisions to ensure that permitted activities don't lead to violations of water quality standards. Craig Butler, Ohio

Environmental Protection Agency Director and Chair of the ECOS Water Committee, explains that the provision is "built on the principle of cooperative federalism: Congress recognized that states are in the best position to decide whether granting a federal permit will lead to violations of water quality standards."

Under cooperative federalism, states take the lead in implementing federal environmental laws and achieving environmental objectives, and federal laws give states the flexibility to set stricter environmental standards if they believe it necessary to protect the environment and public health. Butler notes that because states use Section 401 authority in a variety of contexts, "Congress should be careful to avoid unintended consequences, and it should always respect principles of cooperative federalism." [Sankar/Piper]

ECOS and NGA Seek Dialogue with U.S. DOE on High-Level Nuclear Waste

ECOS and the National Governors Association (NGA) recently sent a joint letter to the Assistant Secretary for the U.S. Department of Energy's Office of Environmental Management to express state interest in policy discussions about changes to the definition of high-level nuclear waste within the cleanup of the nuclear weapons complex.

Attention to the definition of high-level waste at these sites has intensified, partially in a response to an Energy Communities Alliance publication on the topic.

The ECOS Federal Facilities Forum, Co-Chaired by Greg Lovato of Nevada and Shari Meghreblian of Tennessee, and the NGA Federal Facilities Task Force will share additional input with DOE, particularly around the implications of any potential changes for states and cleanup sites. [Piper]

Action Requested by September 4: ECOS Members Asked to Complete Brief ERIS Survey

ECOS' research arm, the Environmental Research Institute of the States, conducts biannual surveys on state research needs. The survey results help inform U.S. EPA Office

of Research and Development priorities and connect states seeking similar research assistance. For reference, see the summary of 2016 survey results here.

This year's survey is designed to allow ECOS members to provide high-level input in a very brief portion and for staff to complete a more detailed portion. The survey asks members to select and rank your state's top five research priorities from a short list. The contact information requested at the end of the survey will allow ECOS staff to gather more detailed information from your staff on the identified research needs.

Please complete this year's survey by **September 4.** Thank you! [Longsworth]

ECOS Issues *Green Report* on Improved Permitting Practices

This week, ECOS published a *Green Report on Environmental Permitting: Improved Practices and Systems of State Environmental Agencies*. This new report complements an August 2017 *Green Report* on examples from all 50 states of streamlined permitting processes and compliance assistance efforts.

The report describes various streamlined state permitting systems designed to more effectively maintain environmental and public health protections and foster economic growth. Practices highlighted in the report include: 1) expedited application processing; 2) converting paper application forms to electronic format via e-Permitting portals; 3) creating alternatives to handling incomplete or inaccurate permit applications; 4) publishing permit guides, fact sheets, and wizards; 5) providing application assistance via ombudsman and meeting services; and 6) implementing additional improvements.

ECOS encourages its members to consider these practices and to let Beth Graves know of additional activities. [Graves]

Pew Charitable Trusts Report Recommends Improving Efficiency of Regulatory Systems

The Pew Charitable Trusts held a webinar August 15 on its report issued this week, *State Strategies to Help Businesses Launch and Expand: Innovative Approaches to Regulation*

Can Boost Opportunities for Growth.

According to the report, "improving how states regulate has the potential to be one of the most cost-effective approaches to boosting the economy." The report counsels that to address the challenge for businesses of spending too much time or money on inefficient regulations, state policymakers can focus on two types of reforms: 1) improve the efficiency of regulatory systems, and 2) partner with businesses to increase compliance as well as economic opportunity.

While not exclusively focused on state environmental agencies, the Pew report includes input from a number of states including Colorado, Indiana, Iowa, New Jersey, Rhode Island, Texas, Vermont, Washington, Wisconsin, and statements from Misael Cabrera of Arizona, Craig Butler of Ohio, and Carol Comer of Missouri, among other state officials. Former ECOS member Dan Esty of Connecticut served as a reviewer on the report.

ECOS members will hear more about the report from Pew staff at the 2018 ECOS Fall Meeting in Stowe, Vermont during an August 28 roundtable on *Greening Our States to Bring in the Green*. [Graves]

State News You Can Use

DC Takes Steps to Reduce Climate Change's Impact on the Chesapeake

Member Spotlight

Two Minutes with Patrick McDonnell, Secretary of the Pennsylvania Department of Environmental Protection

How long have you been Secretary of the Pennsylvania Department of Environmental Protection (DEP)? What's your best experience thus far?

I've been Secretary for more than two years now, but I have held a number of roles in state government over the last 21 years, including at DEP and our Public Utility Commission.

I've had a lot of amazing moments these past couple of years, but a highlight was going back to DeSales University, my alma mater, to speak at an energy conference. Speaking to an audience about energy and the environment at the place that started me on my path was just a moment where everything came full circle.

How has being a member of ECOS benefitted you?

ECOS is an incredibly collaborative and open organization. I've had the chance to implement Arizona's R&D (rip-off and deploy) constantly. The organization's focus on Lean and process improvement has given me a lot of examples and approaches to apply here in Pennsylvania.

What is the best management advice you've received?

When you are leading an organization, invert the org chart. My job as Secretary is to support the people throughout DEP. I work in service to them.

Tell us about your morning ritual.

Coffee and walking. I'm not much of a morning person so I need caffeine and exercise to start the day

CONTINUED HERE

Need-to-Know News in Chemicals and Emerging Contaminants

Regan of North Carolina Speaks at PFAS Community Engagement Event

Area of Focus: *Chemicals and Emerging Contaminants*

This week, U.S. EPA hosted its fourth community engagement event on per- and poly-fluoroalkyl substances (PFAS) in Fayetteville, NC. Speakers included ECOS member Michael Regan of North Carolina and other North Carolina Department of Environmental Quality staff, local water utilities, and federal stakeholders.

EPA Region 4 Administrator Trey Glenn wrote an opinion editorial to preview the event and discuss the importance of addressing PFAS issues in North Carolina. He noted EPA's commitment to addressing comments from state residents, who have been active in the PFAS conversation since the detection of GenX, a replacement for the chemical PFOA, in the Cape Fear River last year.

The community engagement event marked another critical step for EPA to understand how

it can best support the work that's being done at the state, local, and tribal levels. Using information from the National Leadership Summit, community engagements, and public input provided by the docket, EPA plans to develop a PFAS Management Plan for release later this year. [Longsworth]

ITRC

Interstate Technology and Regulatory Council

ITRC Offers Training on Characterizing and Managing PFAS at Impacted Sites

The Interstate Technology & Regulatory Council (ITRC) is providing a new training called the *Symposium on Characterizing and Managing PFAS at Impacted Sites*.

This symposium will provide an overview of per- and poly-fluoroalkyl substances (PFAS) and will concentrate on three key elements for characterizing and managing PFAS impacted sites – site characterization (sample and analysis), complex mechanisms that impact fate and transport, and current and potential remediation technologies. Case studies will be discussed to illustrate the concepts presented.

This training is affiliated with the Society of Environmental Toxicology and Chemistry North America 39th Annual Meeting on November 4-8 in Sacramento, California.

State regulators can register for free. Please contact Tadbir Singh for the promo code. Learn more and register here. [Olonoff]

Career Opportunities

Idaho Seeks Solid Waste Program Manager

The Idaho Department of Environmental Quality (DEQ) is recruiting for a Solid Waste Program Manager within the Waste and Remediation Division. This position is responsible for managing the Solid Waste Program statewide and serving as primary state point of contact for Solid Waste Program issues. This position will also provide technical assistance to facility owner/operators, consultants, the public, and state and federal agencies with other DEQ programs regarding solid waste.

For more information, click here. [Parisien]

Massachusetts Hiring for Director of Wetlands and Waterways

The Massachusetts Department of Environmental Protection (MassDEP) is hiring for the position of Director of the Division of Wetlands and Waterways. The new Division of Wetlands and Waterways will include the Wetlands Program, Chapter 91 Waterways Program, 401 Dredge and Fill Program, and other related programs grouped together in a single unit.

MassCareers allows internal and external job applicants to apply online here. See the specific requisition here. [Parisien]

Upcoming Events

Webinars

U.S. EPA NETI Series on Clean Water Act

U.S. EPA's National Enforcement Training Institute (NETI) is offering 12 Clean Water Act (CWA) Coffee Break Webinars this summer. The purpose of each 30-minute session is to provide busy enforcement professionals a quick snapshot of a particular part of the CWA.

The webinar series is open to EPA and other federal agencies, as well as state, local, and tribal partners and others.

The series will be presented **every Wednesday until August 25, except for July 4**. This Webinars List Link has a registration feature along with a list of webinar times, topics, and descriptions. Only registrations using official government email addresses will be approved.

Contact Art Horowitz of NETI for further information and questions about the series. [Piper]

EPA Tools and Resources

U.S. EPA's Office of Research and Development (ORD) will host its monthly Tools and Resources Webinar on **August 22 at 3-4 p.m. Eastern** covering the CompTox Chemistry Dashboard. The dashboard is a public site with information on chemical structures, toxicity and hazard data, exposure information, and applications for over 760,000 chemicals currently in use. The webinar will highlight major updates to the tool in August 2018 including data on endocrine disrupting compounds and per- and polyfluoroalkyl substances.

ORD will provide a brief demo of the tool at the ECOS Fall Meeting in Stowe, Vermont.

To register for the webinar, click here. [Longsworth]

U.S. EPA on Sustainable Materials Management

U.S. EPA will host a Sustainable Materials Management Web Academy webinar titled *Sustainability in the Built Environment: Why Materials Matter?* on **August 23 at 1-2:30 p.m. Eastern**. Speakers from the Carbon Leadership Forum, Building Materials Reuse Association, and EPA's Office of Resource Conservation and Recovery will discuss how to conserve materials from construction and promote community resiliency to natural and man-made disasters.

To register, see here. [Longsworth]

U.S. EPA on Small Drinking Water Systems

U.S. EPA will hold its 15th Annual Drinking Water Workshop for Small Systems on **August 28-30** in Covington, Kentucky (Cincinnati, Ohio area). The workshop will include an interactive hot topics discussion, three hands-on training options, and live broadcasts of three of the technical sessions through the monthly small systems webinar series.

The workshop is primarily designed for state personnel responsible for drinking water regulations compliance and treatment technologies permitting. Continuing education contact hour credits will be provided. For more details and to register, see here. [Longsworth]

E-Enterprise on CAER One-Year Pilot

The E-Enterprise Combined Air Emissions Reporting Team (CAER), comprised of states and U.S. EPA, invites states, locals, and tribes (SLTs) to a webinar on **August 28 at 2-3 p.m. Eastern** on the CAER One-year Pilot: Moving from Concept to Reality.

CAER is seeking to collaborate with a partner state in the first phase of the development of a Common Emissions From (CEF) over the next two years. Through a CEF, the CAER Team seeks to streamline multiple point source air emissions reporting processes (NEI, GHG, TRI, and CEDRI) by creating a coordinated approach for regulated entities to provide the latest facility attributes and emissions data once, and routing the appropriate data to the relevant regulatory programs. Currently, EPA and SLTs collect air emissions information through numerous separate systems, in a variety of formats on different reporting schedules, and using multiple routes of data transfer. By streamlining this process, the CAER project will reduce reporting burden to industry and government and improve decision-making capacity through more timely availability of high quality data.

Please register and join this webinar to learn more about this project and how your state may participate in a project to improve air emissions reporting.

For information on past phases of this work, please visit EPA's website for final Project Design Team R&D reports and recorded webinars and CEF FAQ sheets. [Poole]

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Message

From: Leo Jardot [leo.jardot@align-strategies.com]
Sent: 8/22/2018 7:41:57 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: Introductory Letter to Acting Administrator Wheeler

Great. Ex. 6 Hoping the hurricanes stay away!

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Wednesday, August 22, 2018 3:39 PM
To: Leo Jardot <leo.jardot@align-strategies.com>
Subject: Re: Introductory Letter to Acting Administrator Wheeler

Finally calm again for sure. I even have new resumes flying in. Fantastic. I'll talk with Andrew on this and we'll get back with you shortly. It may be a couple weeks just because folks are hit and miss here for the next couple of weeks but after Labor Day it'll get back to normal. I even took a few days to get out of town. Ex. 6
Ex. 6

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

On Aug 22, 2018, at 3:18 PM, Leo Jardot <leo.jardot@align-strategies.com> wrote:

> Ryan, I hope you are finding calm after the storm and maybe even getting some time off. I just wanted to touch base with the purpose of highlighting an introductory letter from Will Baker, President of the Chesapeake Bay Foundation to Acting Administrator Wheeler with a request to meet in DC or Annapolis.
>
> I would appreciate any guidance or assistance you might give us on this request and look forward to catching up.
>
> Sincerely,
>
> Leo Jardot
> Alignment Government Strategies
> 601 Pennsylvania Ave., NW | South Building, Suite 430
> Washington, DC 20004
> Leo.Jardot@align-strategies.com
> Ex. 6
> www.align-strategies.com

<WillBaker_ActingAdministrator_EPA_07162018.pdf>

Message

From: Robbie Diamond [RDiamond@secureenergy.org]
Sent: 8/22/2018 5:33:13 PM
To: Wehrum, Bill [Wehrum.Bill@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Chuck Cunningham [chuckc@visi.net]
Subject: SAFE Analysis - NPRM
Attachments: LDV FE NPRM Briefing 2018-08-21.pdf

Bill and Mandy,

I wanted to share with you SAFE's preliminary response to the NPRM in advance of a more detailed and comprehensive analysis now being prepared by the organization for submission during the 60-day public comment period. We still strongly believe that a solution can be found with CA to avoid years of litigation. We stand ready to help.

We cover various topics in this document with key facts, including :

- **Military Cost of Oil**: Substantially higher than zero and should be reflected in this program.
- **Safety**: Previous agency analysis could undermine the findings in the NPRM that freezing fuel economy standards will save 12,000 lives.
- **Off-cycle Credit System**: The program could accelerate the adoption of advanced driver-assist, congestion mitigation, and self-driving technologies that serve the dual-purpose of saving lives and fuel offering industry key flexibilities that will assist in competition.
- **Cost of Vehicles**: Price must be a consideration when adding technology to vehicles; fuel economy technologies are no different. However, the primary drivers in the recent increase in vehicle price have been a shift to larger, more expensive vehicles; expanded lending terms which allow consumers to afford more expensive vehicles; and increases in amenity packages that consumers value.
- **Oil Security and Energy Dominance**: The NPRM states that proposed rule will increase U.S. gasoline demand by 500,000 barrels per day. This undermines energy dominance by increasing imports and/or reducing our ability export more oil to the global market.
- **Oil Prices**: Price projections have historically been incredibly inaccurate given the volatility of the oil markets, and there is substantial evidence that historic volatility and market interference will continue.
- **Alternative Fuel Vehicles**: Because the transportation sector is so dependent on petroleum for its energy (92 percent), energy dominance will ultimately require greater competition between, and diversity of, transportation fuels using other domestic fuels like coal and nuclear. Well-designed fuel economy standards can support this evolution without requiring additional government subsidies.
- **Regulatory Certainty**: The risk of having to build cars that meet separate California and federal standards would create enormous compliance hurdles and damage the competitiveness of U.S. automakers.
- **Maximum Feasibility**: Given the period of transformative innovation that the auto industry is currently undergoing, automakers can cost-effectively produce more efficient cars year on year at some reduced level.

I would just reemphasize that safety and congestion mitigation technology can truly reform the system. We hope that our comments convince you all that this is a true regulatory reform that benefits industry by helping them prepare for the future while saving fuel and lives. We do not want this NPRM to be a lost opportunity.

I hope we can get together again to discuss. Thanks so much.

Regards,
Robbie

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Securing America's Future Energy

SAFE Analysis of NHTSA & EPA's Notice of Proposed Rulemaking for Fuel Economy Standards

Implications for National Security, Economic Growth, Safety, Vehicle Prices, and Oil Demand

The Department of Transportation's National Highway Traffic Safety Administration (NHTSA) and the Environmental Protection Agency (EPA) released on August 2, 2018 a joint Notice of Proposed Rulemaking (NPRM) outlining proposed changes to the current federal fuel economy regulations promulgated by the Obama administration.[1] Through this proposal, the Trump administration seeks to advance its goal of energy dominance while meeting the needs of consumers and the auto sector. This document outlines SAFE's preliminary response to the NPRM in advance of a more detailed analysis now being prepared by the organization for submission during the 60-day public comment period.

SAFE Recommendation: The opportunity to modernize the fuel economy standards, spur innovation in the industry, and advance the administration's energy dominance agenda has never been greater. We believe this opportunity includes a few elements that key stakeholders can agree to including: 1) an increase of fuel economy standards by at least two percent per year during the model years in question, 2) a program that is national in scope with a path toward future standards (e.g., through 2030), 3) multiplier credits for all types of alternative fuels to offer fuel choice to consumers, and 4) an updated off-cycle credit program that incentivizes adoption of self-driving and advanced driver assistance features that will save both lives and fuel.

Key Points

- **Military Cost of Oil**: Because national and energy security form the cornerstone of the fuel economy program's statutory foundation, the regulations should account for the cost incurred by the military to protect the flow of oil. EPA and NHTSA should update their cost-benefit analysis methodology to account for the burden to the military of securing the global free flow of oil, and operations intended to stabilize oil-producing regions. SAFE's Energy Security Leadership Council (ESLC)[2] knows that the national security cost of oil dependence is substantially higher than zero and should be reflected in this program. "If we can reduce our dependence on oil, we could reduce our presence in the Gulf and use the funds for other critical military priorities, like cybersecurity or hypersonic weapons," said General Duncan McNabb, the former commander of the U.S. Transportation Command and a member of SAFE's ESLC. "The same funds could support different security priorities. We would make different choices, that would make us safer and more secure."
- **Safety**: Previous agency analysis could undermine the findings in the NPRM that freezing fuel economy standards will save 12,000 lives.[3] Moreover, the emerging data on self-driving and

[1] Department of Transportation and the Environmental Protection Agency: "The Safer Affordable Fuel-Efficient Vehicles Rule for Model Years 2021-2016 Passenger Cars and Light Trucks," (Aug. 2, 2018) (Proposed Rule).
[2] Note: See description of the Energy Security Leadership Council at secureenergy.org/about/energy-security-leadership-council/.
[3] Proposed Rule at 2.

driver-assist technologies indicate those technologies will save both lives and fuel.[4] Maximizing the deployment of these emerging technologies will not only improve safety and efficiency but also end the false choice that fuel economy must come at the expense of safety.

- **Off-cycle Credit System**: The program could accelerate the adoption of advanced driver-assist, congestion mitigation, and self-driving technologies that serve the dual-purpose of saving lives and fuel by leveraging EPA's off-cycle credit program. Initial findings indicate that deploying existing driver-assist features could save nearly 10,000 lives annually and reduce system-wide fuel consumption by up to 18-25 percent.[5]
- **Cost of Vehicles**: Price must be a consideration when adding technology to vehicles; fuel economy technologies are no different. This regulatory review provides the opportunity to ensure that the fuel economy program does not become a significant driver of vehicle price increases in the future. The primary drivers in the recent increase in vehicle price have been a shift to larger, more expensive vehicles;[6] expanded lending terms which allow consumers to afford more expensive vehicles;[7] and increases in amenity packages that consumers value,[8] not fuel economy.
- **Oil Security and Energy Dominance**[9]: The NPRM states that the preferred option outlined in the proposed rulemaking will increase U.S. gasoline demand by 500,000 barrels per day through the early 2030s.[10] EPA analysis has concluded that any reduction in gasoline consumption leads to an almost equivalent decline in imported petroleum.[11] Just as reducing demand for gasoline decreases imports, increasing the amount of fuel we consume through less stringent fuel economy standards would increase imports, moving the country further away from its goal of energy dominance. Higher demand ensures that the U.S. remains tethered to a volatile global oil market dominated by countries that share neither our values nor our interests. Reducing consumption allows the U.S. to pursue its energy dominance goals by maximizing the value of American oil production flowing to the international markets. This production reduces the ability of OPEC to manipulate oil prices and provides the country and world with more oil from stable geographic areas.
- **Oil Prices**: The NPRM asserts that oil prices will remain low through 2050.[12] Price projections have historically been incredibly inaccurate given the volatility of the oil markets. Moreover, there is

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[4] See, e.g., NHTSA: "Automated Driving Systems 2.0: A Vision for Safety," September 2017, at i; and Fleet Owner: "Case Study: Dish Saves Fuel with Mobileye Technology," May 6, 2016.

[5] Boston Consulting Group Inc. and Motor & Equipment Manufacturers Association: "A Roadmap to Safer Driving through Advanced Driver Assistance Systems," at 2 (2015), available at www.mema.org/sites/default/files/MEMA%20BCG%20ADAS%20Report.pdf; and SAFE estimates based on independent fuel efficiency modeling conducted by Air Improvement Resource, Inc.

[6] SAFE analysis based on data from Edmunds and U.S. Bureau of Economic Analysis.

[7] See, e.g., Experian Automotive: "State of the Automotive Finance Market Q1 2018."

[8] "New Vehicle Prices Climb to All-Time High in December." Edmunds, January 3, 2018, https://www.edmunds.com/about/press/new-vehicle-prices-climb-to-all-time-high-in-december.html

[9] Note: Energy Dominance is an evolving term that incorporates increased domestic production and freedom from the vagaries of global oil market manipulation. According to Energy Secretary Rick Perry, "An energy dominant America means self-reliant. It means a secure nation, free from the geopolitical turmoil of other nations who seek to use energy as an economic weapon." (See White House Press Briefing by Secretary of Energy Rick Perry and Principal Deputy Press Secretary Sarah Sanders. June 27, 2018.) And for additional treatment of the term also see Secretary of Energy Rick Perry, "True energy independence is finally within our grasp." CNBC. July 29, 2018.

[10] Proposed Rule at 2.

[11] Note: The approximate pass through was 0.9.

[12] Proposed Rule at 21.

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evidence that historic volatility and market interference will continue, and perhaps accelerate, through 2050.[13] U.S. policy should be designed to counteract those effects.

- **Alternative Fuel Vehicles**: Because the transportation sector is so dependent on petroleum for its energy (92 percent),[14] energy dominance will ultimately require greater competition between, and diversity of, transportation fuels. Electric vehicles (EVs), fueled by electricity produced by domestic coal, nuclear, renewables, and natural gas as well as hydrogen or natural gas vehicles, create a path toward that future while maximizing the use of domestic resources. When coupled with the emerging self-driving technologies, electrification and other advanced fuels can be a strong first step toward creating real competition in the transportation fuel marketplace. Moreover, well-designed fuel economy standards can support this evolution without requiring additional government subsidies.
- **Regulatory Certainty**: Automakers face significant uncertainty and costs without a single national fuel economy standard. The risk of having to build cars that meet separate California and federal standards would create enormous compliance hurdles and damage the competitiveness of U.S. automakers. There are also risks associated with the need to spend years navigating legal challenges associated with a differentiated standard. That risk is magnified in that automakers will not have clarity regarding where to make long-term business investments, perhaps for several years. So much regulatory and legal uncertainty leads to inefficient product development cycles and, ultimately, higher prices for consumers. The ability of stakeholders to reach agreement in recent years has minimized regulatory risk and legal uncertainty and has contributed to the growth of the domestic auto industry. Redoubling efforts to find common ground again would strengthen automakers, support job creation in the auto industry, and lower costs for consumers, while making safer cars that cost less.
- **Maximum Feasibility**: The NPRM's preferred scenario would freeze standards in 2020, which, in effect, suggests that the regulators believe that automakers cannot produce more efficient cars cost effectively. We believe that given the period of transformative innovation that the auto industry is currently undergoing, automakers can cost-effectively produce more efficient cars.

I. Military Costs of Protecting Global Oil Supply

In evaluating the U.S. military cost to protect global oil supplies, NHTSA uses a 12 cent-per-gallon cost for its sensitivity analysis, but does not include this number as input for determining the rule's overall cost effectiveness.[15] In SAFE's view, this is a significant omission. A forthcoming literature review conducted by SAFE finds that an average of $80-82 billion, or approximately 16 percent of the (roughly $500 billion) U.S. base defense budget, is spent every year on protecting the worldwide free flow of oil.[16] If one spreads this out over the 19.8 million barrels of oil consumed daily in the United States in 2017, the implicit subsidy for all petroleum consumers is approximately $11.25 per barrel of crude oil. If the Overseas Contingency Operations (OCO) funds[17] are included, this cost rises to over $13 per barrel. "$82 billion is

[13] See Robert McNally: "Crude Volatility: The History and the Future of Boom-Bust Oil Prices," Columbia University Press (2017) ("Crude Volatility").

[14] SAFE analysis based on data from EIA.

[15] NHTSA: "Final Regulatory Impact Analysis for Corporate Average Fuel Economy for MY 2017-MY 2025 Passenger Cars and Light Trucks," P. 901.

[16] SAFE: "The Military Cost of Defending the Global Petroleum Supply." Publication forthcoming.

[17] Note: OCO funding was originally used to pay for direct Iraq War expenditures, but it later was used for a wide range of federal budget expenses connected to overseas operations including humanitarian assistance in the Middle

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fairly conservative and does not include the additional cost for defense of the oil and that freedom of the seas," says General McNabb in interview with SAFE. "The benefit to the United States is the stability that allows for prosperity," he said. According to ESLC member and former Secretary of the Navy John F. Lehman "more than half the Defense budget is for the security of Persian Gulf oil." And "defending Persian Gulf oil is a major distraction from existential defense issues. Oil dependency complicates the military equation beyond our comprehension." Moreover, if the long-term, full economic costs of fighting wars in the Middle East are included, the true costs "...may well be in the range of $4 to $6 trillion, or even higher, once the long-term budgetary and economic costs are factored in."[18] This equates to more than $30 per barrel of crude oil.

Reducing oil use in the transportation sector can shift U.S. military priorities toward other critical strategic threats. "If we reduced our oil consumption by half, [the United States military] would act differently," says ESLC member Admiral Dennis C. Blair, the former Director of National Intelligence and Commander in Chief of the U.S. Pacific Command. "These are not small, incremental gains. You would generate huge savings."

II. Oil Market and Price Assumptions

The NPRM states that oil prices will remain low through 2050, mitigating the need for fuel economy increases to insulate Americans from oil price volatility.[19]

Neither current market dynamics nor historical precedent offer any reason to believe that oil prices will remain low and stable through 2050.[20]

- Upstream oil investment is approximately half of what it was in 2014,[21] even as the observable decline rates for U.S. fields have increased substantially both from past experience and from the global average[22] and global demand continues to increase. According to data from Rystad Energy, decline rates from non-shale fields in non-OPEC countries has doubled since 2014.[23]

East and North Africa crisis response, and embassy security among other needs abroad. However, the bulk of the largest earlier expenses and a continuing part of current expenditures continue to be related to infrastructure and coalition support for operations in Iraq and Afghanistan. See the annual U.S. Department of Defense Fiscal Year Budget Requests beginning in 2002.

[18] See Linda Bilmes and Joseph Stiglitz: "Estimating the Costs of War: Methodological Issues, with Applications to Iraq and Afghanistan." In Michelle R. Garfinkel and Stergios Skaperdas (eds.), The Oxford Handbook of the Economics of Peace and Conflict. 2012.

[19] Proposed Rule at 180.

[20] See Crude Volatility, op. cit.

[21] See Bloomberg Intelligence Upstream Capex Estimates. Robert Tuttle: "All That New Shale Oil May Not Be Enough as Big Discoveries Drop." Bloomberg. Dec. 27, 2017, https://www.bloomberg.com/news/articles/2017-12-27/all-that-new-shale-oil-may-not-be-enough-as-big-discoveries-drop

[22] Compare EIA, "Annual Energy Outlook," Oil and Gas Supply Module" April 2018, page 11 with IEA. "World Energy Outlook, 2016." November 2016. Pages 146-148.

[23] Sarah Kent and Georgi Kantchev: "As Oil Industry Recovers from a Glut, a Supply Crunch May be Looming." The Wall Street Journal. July 28, 2018. https://www.wsj.com/articles/as-oil-industry-recovers-from-a-glut-a-supply-crunch-might-be-looming-1532775605

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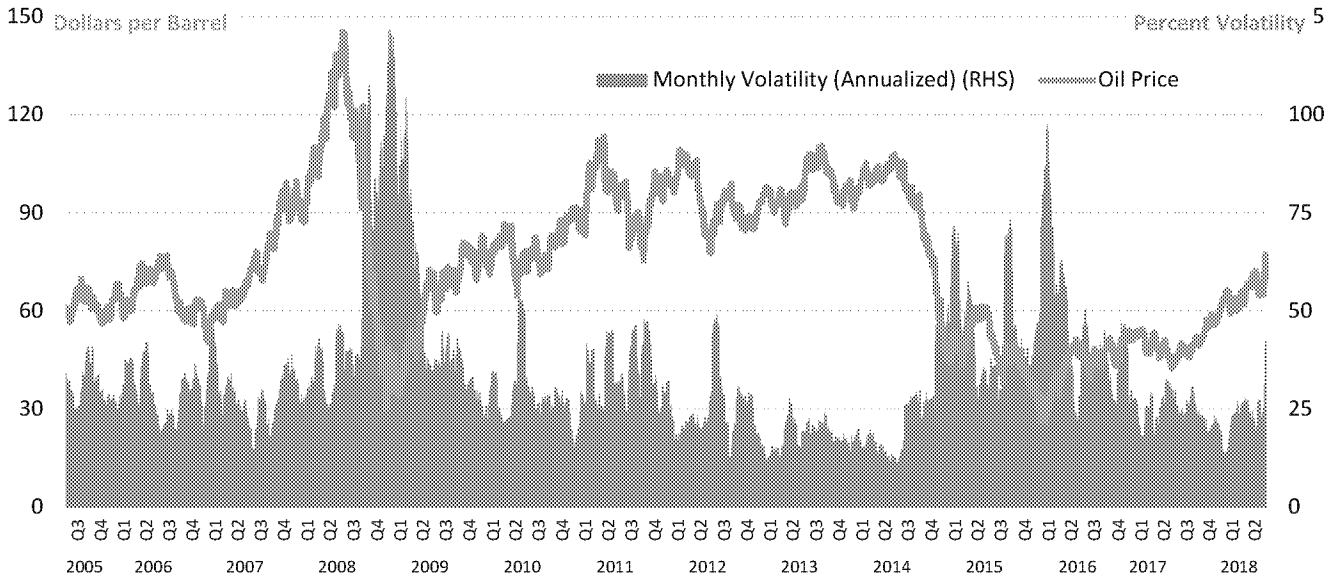
- Due to declining upstream investment and increasing consumption, a price response can be expected. Projections from Goldman Sachs, Bank of America, RBC Capital Markets, and others predict a return to $100 per barrel, likely within the next 18 months.[24]
- Significant volatility remains in the market. As the chart below indicates, oil prices are, by nature, characterized by boom-bust volatility and prices have not been stable for a decade, let alone 30 years, in recent history (see Figure 2).
- A major factor in this enduring volatility is geopolitical risk: Current flashpoints, including Venezuela's slide into economic chaos, ongoing tensions in the Middle East, and frequent outages in Libyan production as oil facilities are attacked, increase the risk of high and volatile prices.

FIGURE 2: Oil Price Volatility 1988 – 2018



Source: SAFE analysis based on data from EIA

The American economy remains vulnerable to oil price volatility. SAFE analysis, based on IHS metrics, shows that while the extent of economic damage would depend both on the size and duration of the price increase and on how quickly prices rise, a sudden and enduring $50-per-barrel oil price increase would likely cause, at minimum over two years, GDP to be $452 billion lower, inflation to be 2 percent higher, real disposable income per capita to decline by almost $1,000, 1.4 million fewer vehicles to be sold, and two million fewer workers to be employed.[25] Such sharp rises are not uncommon: Brent crude was priced at $46.37 in May 2017, but jumped to over $74 by May 2018, and a sustained runup in prices in the coming years is entirely possible.

III. Response to Concerns of Compromised Roadway Safety from Lightweighting Vehicles

In response to the administration's assessment that lightweighting vehicles is detrimental to the safety of road users, SAFE's March 2018 briefing memo outlines the general consensus between NHTSA, the EPA,

[24] See, e.g., Anjli Raval: "A return to $100 a barrel oil? — BofA," Financial Times, May 10, 2018, and Alex Longley: "The $100 a Barrel Oil Wager Comes Back to the Options Market." Bloomberg. May 23, 2018

[25] SAFE: "Energy Security Has Improved But America Is Still At Risk." Publication forthcoming.

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and independent experts that lightweighting, when done properly, poses no overall increased risk to safety.[26] SAFE's literature review found that:

- NHTSA's own 2012 analysis acknowledges that reducing mass in the heaviest of vehicles, while leaving the mass of smaller vehicles unchanged, will reduce the overall risk of fatalities.[27]
- The same analysis found that "any reasonable combination of mass reductions while holding footprint constant in MYs 2012-2016 vehicles—concentrated… in the heavier [pickup trucks] and limited in the lighter cars—would likely be approximately safety-neutral; it would not significantly increase fatalities and might well decrease them."[28]
- A 2015 National Academy of Sciences study contracted by NHTSA found that making vehicles lighter, while keeping the size of their footprints constant, will increase safety for society as a whole—particularly if the greatest weight reductions come from the heaviest vehicles.[29]

Most importantly, the emerging self-driving and driver assist technologies will add a new variable to this long-running debate. The overwhelming cause of most road fatalities in the U.S. is driver error.[30] As self-driving technology, which eliminates driver error and reduces accidents, becomes more prevalent, safety will improve.

IV. The Use of Off-Cycle Credits to Save Lives and Fuel

While the NPRM proposes to end or sunset all off-cycle credits, maintaining and reforming this part of the program could provide a better pathway to accelerating deployment of the technologies cited above. The EPA's off-cycle credit program should be reformed to expedite adoption of driver-assist technologies that save both lives and fuel, by streamlining driving patterns (e.g., finding more efficient routes, reducing inefficient stop-start driving patterns) and avoiding collisions which, in addition to resulting in injuries and fatalities, are among the most significant causes of congestion related fuel waste.

To achieve the goal of mitigating vehicle crashes while reducing oil demand, regulators should provide incentives for automakers to incorporate new self-driving and crash-avoidance technologies, which have been shown to reduce crash frequency, and therefore lower the risk of injuries and fatalities. Independent research from the Boston Consulting Group concluded that universal adoption of existing crash-avoidance technologies could save 9,900 lives each year.[31] A description of these technologies, which could also generate system-wide fuel savings of 18 to 25 percent, can be found in SAFE's April 2018

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[26] EPA & NHTSA: "2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards," Final Rule, October 15, 2012, at 62746.
[27] Ibid.
[28] Ibid.
[29] National Academies of Science: "Cost, Effectiveness, and Deployment of Fuel Economy Technologies for Light-Duty Vehicles," June 29, 2015, at 228.
[30] Bryant Walker Smith: "Human Error as a Cause of Vehicle Crashes," The Center for Internet and Society at Stanford Law School, December 18, 2013, http://cyberlaw.stanford.edu/blog/2013/12/human-error-cause-vehicle-crashes
[31] Boston Consulting Group Inc. and Motor & Equipment Manufacturers Association: "A Roadmap to Safer Driving through Advanced Driver Assistance Systems," at 2, 2015, www.mema.org/sites/default/files/MEMA%20BCG%20ADAS%20Report.pdf

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report, Using Fuel Efficiency Regulations to Conserve Fuel and Save Lives by Accelerating Industry Investment in Autonomous and Connected Vehicles.[32]

SAFE recommends a 3-5 year pilot program that offers temporary credits in exchange for a commitment by automakers to provide comprehensive data on fuel savings to regulators to provide real data for future inclusion.

V. Response to Findings that Increased Vehicle Purchase Prices are Deterring New Buyers

The NPRM argues that fuel economy standards have increased vehicle purchase prices, so much so that consumers delay making new vehicle purchases.[33] The result, per the document, is a larger number of older vehicles on the road for longer. The NPRM estimates that compliance with the fuel economy standards, which increase in stringency through model year 2025, would eventually increase the purchase price of a vehicle by between $1,800 and $2,300.[34] This is higher than a January 2017 EPA estimate that forecast tailpipe emission standards would add a cost of $875 per vehicle,[35] and another estimate from the Alliance of Automobile Manufacturers that approximated the cost of compliance at $1,249 per vehicle.[36] In SAFE's view, the magnitude of range between these estimates warrant further clarification.

But regardless of cost, the historical context is instructive, especially in trying to assess how fuel economy technologies have contributed to and will contribute in the future to the increased price of vehicles.

- On a relative basis, cars have remained largely affordable over the past decade.
    - Inflation adjusted new car purchase prices have *fallen by three percent* since 2013 even as the total Consumer Price Index has risen by eight percent (see Figure 1 below). In contrast, housing has increased by 15 percent, food has risen by seven percent, and prescription drugs have risen by 19 percent over the same period.[37]
    - It should be noted that the affordability of a car is complicated by interest rates and payment terms so it is always difficult to make an apples-to-apples comparison from year to year between the different variables that impact affordability. But, to date, fuel economy has not been a major driver in the increased vehicle price—with the cost of materials and consumer preferences for larger vehicles understood to be the primary drivers of price increases.[38]

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[32] SAFE: "Using Fuel Efficiency Regulations to Conserve Fuel and Save Lives by Accelerating Industry Investment in Autonomous and Connected Vehicles," April 2018, secureenergy.org/report/avsandfueleconomy

[33] Proposed rule at 22.

[34] Proposed Rule at 667-668.

[35] EPA: "Final Determination on the Appropriateness of the Model Year 2022-2025 Light-Duty Vehicle Greenhouse Gas Emissions Standards under the Midterm Evaluation," January 2017, at 20.

[36] "Things to know about Trump's rollback of CAFE fuel-economy standards", CBS/AP, March 16, 2017 https://www.cbsnews.com/news/trump-cafe-fuel-economy-standards-rollback/

[37] Bureau of Labor Statistics, Consumer Price Index. May 24, 2018.

[38] Adrienne Roberts: "Auto Dealers Worry New Vehicle Prices May be Getting Too High," The Wall Street Journal, May 2018 https://www.wsj.com/articles/auto-dealers-worry-new-vehicle-prices-may-be-getting-too-high-1522017100; Sarah O'Brien: New-Car Shoppers: Brace Yourselves for Higher Costs," CNBC, April 2018. https://www.cnbc.com/2018/04/18/new-car-shoppers-face-higher-costs-from-auto-prices-loan-rates.html

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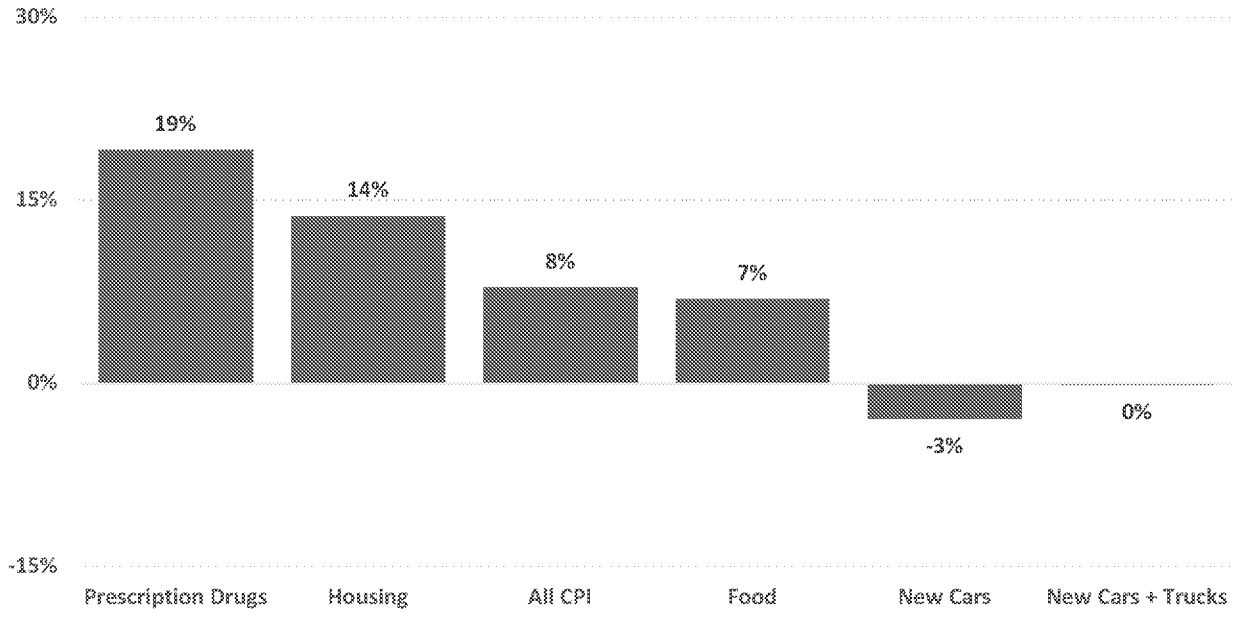
FIGURE 1: New Car Prices Changes Relative to Other CPI Components (April 2013 – April 2018)



Source: SAFE analysis based on data from the Bureau of Labor Statistics. June 4, 2018.

- The NPRM also states that cars are staying on the road longer, with the average age of cars on the road approaching 12 years, a historical high.[39] The implication is that cars are getting older because fuel economy regulations are making new cars too expensive for many drivers. The agencies should consider a few important factors when making this argument.
    - The United States has experienced a surge in new vehicle sales, which remain near record levels since the 2008 recession.[40]
    - Improved durability of vehicles plays a role in why motorists are holding on to cars for longer.[41] In fact,
        - The average age of a car driven in 2017 is six months more than in 2009. The average age of a car driven in 2009 was six months more than in 2001.[42] Therefore, it seems unlikely that regulatory changes between 2009 and 2017 are causing Americans to drive older vehicles.
        - Consumer surveys by J.D. Power and Associates show that vehicle dependability has significantly improved, with the industry research group finding it is currently at its "best level ever." Consequently, vehicles are holding their value for longer,

[39] Proposed Rule at 26.
[40] SAFE analysis based on data from U.S. Bureau of Economic Analysis.
[41] IHS Markit: "Vehicles Getting Older: Average Age of Light Cars and Trucks in U.S. Again in 2016 to 11.6 Years, IHS Markit Says," November 22, 2016, https://news.ihsmarkit.com/press-release/automotive/vehicles-getting-older-average-age-light-cars-and-trucks-us-rises-again-201
[42] SAFE analysis based on preliminary data from FHWA's 2017 National Household Travel Survey.

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and there is higher demand for used vehicles.[43] This increased dependability translates to longer on-road vehicle lifespans.

VI. Response to Estimated 500k b/d Increase in Gasoline Demand

The NPRM estimates that freezing the standards at 2020 levels will add approximately 500,000 barrels per day of gasoline demand in the United States by the early 2030s.[44]

- The NPRM argues that policymakers must consider if energy conservation efforts are still warranted given changing oil market dynamics. Although true that surging U.S. production has altered the global balance of trade in petroleum fuels, the global nature of oil prices leave the United States exposed to oil market manipulation through non-free market actors, such as OPEC.
- Half a million barrels per day is a significant increase in gasoline consumption—volumetrically equivalent to over half of current crude oil imports from Saudi Arabia—that will impact the U.S. balance of trade and undermine efforts to reduce the oil intensity of the U.S. economy. Using the current gasoline price of approximately $3 per gallon, this increase in consumption is equal to an additional $24 billion in consumer spending annually—or $122 billion from 2021 through 2025.[45]
- Household spending on gasoline is now almost 20 percent higher than it was over the previous three years.[46] This incremental drain on household cash flow is meaningful.

VII. Alternative Fuel Vehicles and Fuel Diversity

The United States will not achieve energy dominance so long as the U.S. transportation sector remains so dependent on petroleum for all transportation without alternatives. Depending on petroleum for 92 percent of its energy needs,[47] the U.S. transportation sector is fully exposed to the effects of market manipulation by oil producers and traders. Protection from this dynamic can only be achieved through diversification of transportation fuels away from singular reliance on oil. Electric, hydrogen and natural gas vehicles provide an increasingly viable alternative to liquid fuels. While oil is a global commodity priced on an international market and controlled by foreign actors, electricity in particular is generated from a diverse portfolio of domestic fuels that are low and stable in price.

When coupled with autonomous vehicle technology, alternative fuel vehicles advance our progress towards the goal of energy dominance. For autonomous vehicle (AV) fleets that are emerging as the future of the transportations system, electric vehicles (EVs) will likely prove the best vehicle platform from an economic and technological perspective. Already, large companies working on AVs have voted with their wallets that EVs are the choice for AV deployment, with companies as diverse as Waymo, General Motors, and Zoox choosing EVs for their AV fleet.[48] EVs are the most commonly used platform for

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[43] J.D. Power and Associates, "Most Owners Still in Love with their 3-Year-Old Vehicles, J.D. Power Finds." February 14, 2018. http://www.jdpower.com/business/press-releases/jd-power-2018-us-vehicle-dependability-study

[44] Proposed Rule at 2.

[45] Based on an average gasoline price of $3.17 per gallon, per the reference case in EIA's Annual Energy Outlook 2018: https://www.eia.gov/outlooks/aeo/.

[46] BEA. Personal Consumption Expenditures by Type of Product. (Table 2.4.5, line 111.)

[47] SAFE analysis based on data from EIA.

[48] See, e.g., Jaguar Land Rover: "Waymo and Jaguar Land Rover Announce Long-Term Partnership, Beginning with Self-Driving Jaguar I-PACE," March 27, 2018, https://media.jaguarlandrover.com/en-us/news/2018/03/waymo-and-jaguar-land-rover-announce-long-term-partnership-beginning-self-driving-0

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AV testing and development, with approximately 50 percent of companies permitted to test AVs on public roads using or plan to use electric vehicles as their main platform.[49] Industry analyses consistently point to the benefits of EVs as the underlying powertrain for autonomous vehicles, particularly in a fleet-based business model.[50] According to a study conducted by the Boston Consulting Group, the combination of ride sharing, driverless technology, and an electric powertrain will allow for savings of up to 50 percent compared to ICE-based vehicles.[51] For these reasons, SAFE urges continued support for the nascent electric vehicle industry by maintaining the credit multiplier for electric and hydrogen vehicles through the 2026 rulemaking, which eases compliance for automakers by making each electric vehicle sold count twice towards meeting the standards.[52] This provision should be continued to keep momentum towards the widespread adoption of electric vehicles. Upstream emissions from the electricity to power these vehicles should also continue to be counted as zero within the fuel economy program. This credit can be expanded to natural gas vehicles as well.

VIII. The Use of Fuel Economy Standards to Achieve Energy Dominance Goals

In the 2018 Annual Energy Outlook, the Energy Information Agency (EIA) projected that the United States will become a net exporter of petroleum and other liquids in 2022,[53] a milestone that will undoubtedly serve as a key pillar for Administration's goal of energy dominance. Fuel economy standards have played a significant yet unheralded role in aiding the transition of the United States from a net importer to a net exporter.

Lowering fuel economy standards would reduce U.S. petroleum exports and their attendant benefits. Based on EIA's high oil and gas resource and technology case, which predicts the 2021 transition to net exporter,[54] the Council on Foreign Relations forecasts American net exports to reach just 1.47 million barrels per day (Mbd) if fuel economy standards are frozen by 2030, compared to almost 4.2 Mbd under the current increasing standards.[55] Furthermore, in lower production scenarios, the United States does not reach net exporter status in the next decade if fuel economy standards are not maintained.[56]

IX. Automakers Support a National Program

The NPRM preferred outcome is intended to lighten the burden of regulatory compliance for automakers,[57] but OEMs and the industry associations have expressed a preference for a resolution that

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[49] SAFE analysis based on data from California Department of Motor Vehicles.
[50] See, e.g., Jaguar Land Rover: "Waymo and Jaguar Land Rover Announce Long-Term Partnership, Beginning with Self-Driving Jaguar I-PACE," March 27, 2018.
[51] Brian Collie, Justin Rose, Rahul Choraria, & Augustin K. Wegscheider: "The Reimagined Car," Boston Consulting Group, December 18, 2017.
[52] EPA & NHTSA: "2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards; Final Rule," at 191.
[53] SAFE analysis based on data from EIA.
[54] Ibid.
[55] Dylan Yalbir: "Why Fuel Economy Standards Matter to U.S. Energy Dominance," Council on Foreign Relations (Mar. 13, 2018), available at www.cfr.org/blog/why-fuel-economy-standards-matter-us-energy-dominance.
[56] Ibid.
[57] Proposed Rule at 7.

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maintains a unified standard for the federal government and California while also incorporating new technologies.[58]

Such a resolution would also provide regulatory certainty for industry, which has benefited from a framework that brought together disparate interests and created predictability for automakers. A rulemaking that disrupts this certainty could lead to a protracted legal battle that would not only prove costly but saddle all stakeholders with years of uncertainty.

As the auto industry is in the midst of one of the most transformative periods in its history, such uncertainty could prove significantly detrimental to automakers and consumers. It is difficult for automakers to shape their fleets to comply with an uncertain regulatory framework. Moreover, that same uncertainty could delay deployment of new driver-assist technologies, with the potential to save both lives and fuel. Those technologies are poised to achieve mass-market penetration, but much slower without the incentive to develop and incorporate new technologies. Injecting unpredictability into the investment cycles of automakers—and upending the consensus on the links between fuel economy and safety—at this critical moment has the potential to not only set back safety and efficiency innovations, but also ultimately lead to higher prices for consumers.

X. Conclusion

An urgent need exists for policies to insulate the nation from our exposure to the opaque and unfree oil market, and to reduce the dependence on oil that has undermined the nation's economic sovereignty, constrained our foreign policy, and burdened our military forces.

Continued economic growth and national security will depend in significant part on a clear fuel economy regulatory structure that prioritizes reduced exposure to global oil price volatility. SAFE looks forward to continuing its dialogue with the administration to develop a fuel economy program that meets these needs.

[58] See, e.g., Auto Alliance: "Automakers Respond to EPA and DOT Propose Fuel Economy Standards for MY 2021-2026 Vehicles," August 2, 2018 https://autoalliance.org/2018/08/02/automakers-respond-epa-dot-propose-fuel-economy-standards-2021-2026-vehicles/

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Subject: [SPAM] Litigation of Groundwater Contamination: August 28 - 1 pm ET

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Learning Objectives

- You will be able to identify water supply considerations.
- You will be able to recognize contaminant transport consideration.
- You will be able to discuss recent groundwater litigation and trends.
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Message

From: Brian Wynne [Ex. 6]
Sent: 8/20/2018 2:20:14 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]; Wheeler, Andrew [wheeler.andrew@epa.gov]
Subject: Walmart Phasing out Paint Removal.

Brick by Brick, I'm taking it down. You can still be part of the solution.....

We will get one more by the end of the month, guaranteed.

Choice is up to you.

https://news.walmart.com/2018/08/20/walmart-phasing-out-paint-removal-products-with-methylene-chloride-and-nmp

On Wed, Aug 15, 2018 at 9:03 AM Brian Wynne <[Ex. 6]> wrote:

Ryan/Andrew,

You guys let us down, especially you Ryan. I find your inaction and unwillingness to follow through on your commitment shameful. Our family is full of sacrifice to this country, more than you can imagine. I would go into specifics, but you guys aren't worth the thought. So here it is, you go your route and I'll go mine. I am going to take apart the retail market piece by piece until there is no more market. See you at the finish line!

Good Luck!

Brian Wynne

Message

From: Harman, Donna [Donna_Harman@afandpa.org]
Sent: 4/4/2019 3:41:54 PM
To: Wheeler, Andrew [wheeler.andrew@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Kundinger, Kelly [kundinger.kelly@epa.gov]
CC: Noe, Paul [Paul_Noe@afandpa.org]; Bartheld, Elizabeth [Elizabeth_Bartheld@afandpa.org]; Hack, Brooke Haywood [Brooke_Hack@afandpa.org]
Subject: AF&PA Meeting Request with Administrator Wheeler
Attachments: ATT00001.txt; Wheeler CEO Meeting Request 0619.pdf

Dear Administrator Wheeler,

Attached is a formal meeting request for AF&PA member company CEOs and senior executives to meet with you on June 19, 2019 regarding the paper and wood products manufacturing industry's current regulatory reform priorities. Our members will be in Washington, D.C. that day and would greatly appreciate the opportunity to meet with you while they are in town.

Best Regards,

Donna

DONNA HARMAN
President and CEO
Donna_Harman@afandpa.org
Ex. 6
AMERICAN FOREST & PAPER ASSOCIATION
1101 K Street, N.W., Suite 700
Washington, D.C. 20005

American
Forest & Paper
Association

Office of the President

April 3, 2019

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W., 1101A
Washington, D.C. 20460

Dear Administrator Wheeler:

On behalf of the Board of Directors of the American Forest & Paper Association (AF&PA), I am writing to request a meeting with you to discuss the industry's current regulatory reform priorities with a group of our member company CEOs and senior executives from across the country. Our CEOs and senior executives will be available to meet on June 19.

AF&PA represents U.S. manufacturers of pulp, paper, packaging, tissue and wood products with fact-based public policy and marketplace advocacy. More than 75 percent of forest products industry facilities are located in predominantly rural counties across America and are often the economic driver for their communities, large and small. The approximately 900,000 family wage jobs represent a $50 billion annual payroll, making our industry among the top 10 manufacturing sector employers in 45 states. AF&PA member companies make products essential for everyday life from renewable and recyclable resources and are committed to continuous improvement through the industry's sustainability initiative - *Better Practices, Better Planet 2020*.

We will be in touch with your office shortly. In the meantime, please feel free to have your staff contact my assistant Brooke Haywood Hack at 202-463-5169 or brooke_hack@afandpa.org with your availability on June 19.

We thank you in advance for your consideration of this request.

Best Regards,

Donna

Donna A. Harman
President & CEO

1101 K Street, N.W., Suite 700 • Washington, DC 20005 • 202 463-2700 Fax: 202 463-2785 • www.afandpa.org

Message

From: John Ray [Ex. 6]
Sent: 9/4/2018 11:33:45 AM
To: Wheeler, Andrew [wheeler.andrew@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]
CC: Bohan, Suzanne [bohan.suzanne@epa.gov]; Hestmark, Martin [Hestmark.Martin@epa.gov]; Mutter, Andrew [mutter.andrew@epa.gov]; Greene, Nikia [Greene.Nikia@epa.gov]; Vranka, Joe [vranka.joe@epa.gov]; Wardell, Christopher [Wardell.Christopher@epa.gov]; Daryl Reed [dreed@mt.gov]; Elsen, Henry [Elsen.Henry@epa.gov]; Archer, Allie [Archer.Allie@epa.gov]; jchambers@mt.gov; John Ray [Ex. 6] Karen Sullivan [ksullivan@bsb.mt.gov]; Dave Palmer [dpalmer@bsb.mt.gov]; Eric Hassler [ehassler@bsb.mt.gov]; Commissioners [commissioners@bsb.mt.gov]; Jim Keane [d.keane@bresnan.net]; Cindy Perdue-Dolan [cindy_perdue-dolan@daines.senate.gov]; Karen Ogden [karen.ogden@mt.gov]; Karen Ogden [kogden@mt.gov]; Jon Sesso [jsesso@bsb.mt.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]; DeLeon, Rafael [Deleon.Rafael@epa.gov]
Subject: From: John W. Ray--Meeting with Administrator Wheeler to Discuss Superfund in Butte--Progress and Problems. My Input Before the Meeting with Stakeholders

I am looking forward to meeting with the EPA Administrator Wheeler Friday in Butte, Montana to discuss the Superfund cleanup in Butte.

I appreciate the EPA Acting Administrator coming to Butte and I appreciate being invited to meet him.

As these events go, because time is limited, there is limited time for individuals to provide detailed input about Superfund in Butte and so I am writing this longer missive.

Recently, under the Region 8 administrator Doug Benevento, much progress has occurred in the cleanup. EPA has a new sense of energy and urgency in making the cleanup successful. As a whole, Region 8 has been very involved and helpful. The Montana Office of EPA has excellent people such as Joe Vranka, Henry Elsen, Nikia Greene and Allie Archer. In addition to Mr. Benevento, Andrew Mutter, Christopher Wardell, Martin Hestmark and Suzanne Bohan are very involved and helpful.

Accomplishments:

1. The recent conceptual agreement on Silver Bow Creek promises a thorough and robust cleanup. EPA has been very attentive to community concerns and needs and the vision the community has for a remediated creek. Future end land use is a serious consideration. Significant amounts of tailings will be removed. An aggressive storm water treatment plan will be implemented.
2. The Residential Metals Abatement Program is a model for the county. Lead levels in Butte children have dropped significantly. Aggressive educational outreach is being conducted.
3. The Berkeley Pit remedy is ahead of schedule. The water treatment plant will be thoroughly tested before the critical water level for the plant is reached. Scaling from the lime treatment process is being taken seriously and being addressed. Montana Resources deserves particular credit in this area.
4. Significant outreach to the community has been completed. Beginning with the work of Robert Moler and continuing under Christopher Wardell and Andrew Mutter, significant strides have been made in community involvement.

5. The capping of waste in Butte has improved. The remedy for Butte Priority Soils OU calls for leaving significant amounts of toxic waste in place. Much of this left in place waste will be capped. In the past, the capping of waste in Butte was very problematic. That situation has much improved. Today, native plants that last longer are being used. The BRES (Butte Reclamation Evaluation System) program that monitors cap performance and institutes needed repairs is being implemented and is effective.
6. Progress has been made in addressing storm water runoff issues across the area.
7. There is a new, vibrant spirit of cooperation between the EPA, the community and the PRPs.

Problematic Superfund Areas

Recent peer reviewed studies at the University of South Carolina and Montana Tech, as well as a study conducted by Stacey Barry Peterson for her PhD dissertation in 2012, call into serious question the efficacy of the Superfund cleanup in Butte. These concerns must be addressed immediately in a convincing manner. (I would urge you to read two excellent articles about these studies in the September 2, 2018 issue of the *Montana Standard* on the front page.) Citizens have a right to know if all the time and money expended on the Superfund cleanup in Butte has been efficacious.

More specifically, the following problematic issues need to be addressed:

1. Montana Pole Plant. Dioxin at the site remains a threat to public health. The Record of Decision for the site calls for active treatment of that waste but this approach has been abandoned by the Montana Department of Environmental Quality, which has the lead on this site. (Even though MDEQ is the lead, this is still a federal Superfund site for which EPA has ultimate responsibility.) This dioxin continues to be an active problem for Silver Bow Creek, which will never be cleaned up unless this dioxin problem is remediated. Public outreach by MDEQ has been abysmal.
2. Health Study. The ROD for Butte Priority Soils mandates that every five years a health study be conducted in order to determine the efficacy of the Superfund cleanup in Butte. The current health study is disorganized, has no unifying purpose, and is fragmented.
3. While some progress has been made in terms of addressing environmental justice issues, more needs to be done. The area of Butte encompassed by the Butte Priority Sols OU has a disproportionately high number of low income citizens compared to the rest of Butte, Montana and the United States as a whole. These people live in the midst of the toxic waste that has been left in place. There is an environmental justice community in Butte whose needs have not been systematically addressed by EPA for some time. Recently, however, progress has been made in this area.
4. The Restore Our Creek movement in Butte is advocating a restored and flowing Silver Bow Creek. The design of the remedy for Silver Bow Creek, as seen in the conceptual agreement for the Creek, must not preclude a possible, future free flowing creek in the area.

So while much remains to be done and there have been problems in the past, we must give due recognition to the progress that has been achieved in the Superfund cleanup in

Butte. Butte is safer because of the Superfund cleanup. But, how much safer needs to be determined. Without this government program, Butte would not have seen the progress that has been made. We all need to redouble our efforts to achieve a real and lasting cleanup for Butte.

Thank you again for the opportunity to meet with you.

Dr. John W. Ray

(For purposes of identification only, I am chairperson of Citizens for Labor and Environmental Justice in Butte and a board member of the Citizens Technical Environmental Committee (CTEC) which is the local EPA TAG group in Butte.)

Message

From: Claire Barnett [cbarnett@healthyschools.org]
Sent: 8/16/2018 3:44:34 PM
To: scheduling [scheduling@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Rowson, David [Rowson.David@epa.gov]; Smith, Alisa [Smith.Alisa@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]
CC: cbarnett@healthyschools.org; Nse Witherspoon [Ex. 6]; nobot@cehn.org; Finnan, Leslie [lfinnan@aasa.org]; JanetPhoenix -work [jphoenix@gwu.edu]
Subject: Rqst mtg with EPA Acting Admin Wheeler
Attachments: CHS-EPA-Wheeler- Aug 16 2018.pdf

Importance: High

Letter from the Coalition for Healthier Schools requesting a meeting with Acting Administrator Wheeler

Claire L. Barnett, MBA, Founder and Executive Director
Healthy Schools Network, Inc.
Ex. 6
Ex. 6

Coordinator, National Coalition for Healthier Schools
...providing the platform and the forum for environmental health at school ... since 2001

HealthySchools.org – for children, health, environment, education and communities since 1995
NationalHealthySchoolsDay.org – celebrated every spring since 2002
CleaningforHealthySchools.org – green & healthy products for schools

Coalition *for* Healthier Schools

...providing the national platform and the forum for environmental health at school, since 2001...

Coordinated by Healthy Schools Network

August 16, 2018 – *via email*

Andrew Wheeler, Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW, HQ Mail 1101A
Washington, D.C. 20460

Dear Administrator Wheeler:

We are writing on behalf of our hundreds of Coalition members and colleagues from education, health, environment, and parent organizations, to congratulate you on your appointment. We are also writing to request a meeting with you soon to introduce the Coalition and ourselves, and to discuss our interests in working with you and the team on EPA policies and programs that support children's health and support the improvement of their learning environments.

This fall, there will be 55 million children in 130,000 public and private PK–12 schools in the U.S. and another 10 million will be in thousands of child care facilities. Facilities commonly have ongoing problems with indoor air, lighting, acoustics, ventilation, growing molds, and other problems including lead in paint and drinking water, PCBs, and poor chemical management, just to name a few. All of these impair the health of those 65 million children. However, EPA's voluntary guidance and grant programs have resulted in schools and child care facilities that have benefited from improved management and thus have improved attendance and test scores. The local work is not simple, nor is it fast, but EPA, on a shoestring budget, and with long-term stakeholder engagement with Headquarter and regional staff, has more than proven it can help.

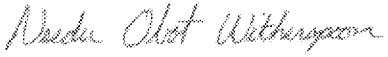
In recent meetings with EPA's Bill Wehrum, we have cited a 2017 report from the American Society of Civil Engineers that gave school infrastructure a D (again), and cited the stunning 2017 report from Harvard School of Public Health on how inadequate facilities affect children's "health, thinking, and learning". Too many facilities have lead in paint, water and products, as well as common problems cited above. US EPA can and should exercise and expand on its proven leadership on children's health and its leadership on promoting healthful school and child care facilities. Robust, coordinated work is critical. Schools are a large and important form of public infrastructure; there are more schools than zip codes and many more child care facilities.

In view of the bipartisan support in both houses for federal funds to rebuild schools, and the need for schools and for child care facilities to have high quality guidance on improving and preserving infrastructure, we believe EPA must strengthen and increase its leadership. Best-practice model programs and expanded grants can help educate and build the capacity of states, cities, Tribal Nations, NGOs, schools, and child care entities to improve educational facilities and educational outcomes.

We look forward to meeting to discuss these issues and opportunities for promoting federal-state-NGO partnerships and stakeholder engagement directed at preventing environmental problems in learning environments and boosting children's health, safety, and well-being.

Sincerely,

Leslie Finnan
AASA: The School Superintendents Association
www.aasa.org



Nsedu Obot Witherspoon, MPH
Children's Environmental Health Network (CEHN)
www.cehn.org

Janet Phoenix, MD, MPH
HS Network Board member and executive of Coalition for Environmentally Safe Communities

Claire L. Barnett, MBA
Healthy Schools Network (HS Network)
www.healthyschools.org

cc: OAR W Wehrum, J Edwards, D Rowson, A Smith

Contact:

Claire L. Barnett, Executive Director, Healthy Schools Network, Ex. 6, Ex. 6 Ex. 6, cbarnett@healthyschools.org

For more information about the Coalition, see its Annual Back to School press release and Toolkit

Message

From: Lorman Education [customerservice@lormaneducationservices.com]
Sent: 8/15/2018 6:45:35 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Litigation of Groundwater Contamination

- Webinar Invitation -

Litigation of Groundwater Contamination

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Learning Objectives:

- You will be able to identify water supply considerations.
- You will be able to recognize contaminant transport consideration.
- You will be able to discuss recent groundwater litigation and trends.
- You will be able to review remediation technologies and cleanup.

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Message

From: Amy Harder [amy@axios.com]
Sent: 8/13/2018 9:44:29 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Forget Trump — coal seeks new life in high tech

Forget Trump — coal seeks new life in high tech

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http://axios.link/iq1w

COLUMN / HARDER LINE

Forget Trump — coal seeks new life in high tech

Randy Atkins is trying to make coal great again, but not how President Trump has promised.

The intrigue: Atkins' company, Ramaco Carbon, is working to open what would be Wyoming's first coal mine devoted not to electricity, but to high-tech products like carbon fiber or 3D printing material. Atkins represents the leading edge of what could be a new, high-value market for coal after decades of being America's cheapest power source.

The big picture: Coal's share of U.S. electricity mix has plummeted from nearly 50% to 30% in just the past decade, fueled by growth in cheap, cleaner-burning natural gas and tougher environmental regulations. Trump has promised to revive coal and is directing his Energy Department to bolster economically coal plants (and similarly challenged nuclear reactors).

Atkins, whose career has spanned energy and financial firms for more than 35 years and whose father founded Arch Coal, says finding new uses for coal is a better long-term bet.

"Market forces always in the end predominate one way or another, good or bad. If you create an artificial demand, at some point that will probably go away. And so we have to have a real demand for a product to have some longevity perspective."
— Randy Atkins, CEO, Ramaco Carbon

A high-tech carbon industry could support an average of 2,600 jobs annually through 2035 in Wyoming, which is about a quarter of the state's current manufacturing workforce. That's according to a report released today by American Jobs Project, a nonpartisan California-based think tank that looks at how advanced energy tech can drive local economies.

Atkins' company is set to begin construction within weeks on a research center in Wyoming for high-tech coal products. Longer term, he plans to build an

industrial park in the mold of Silicon Valley — but for coal. Wyoming is America's No. 1 coal producer, accounting for 40% of all coal mined.

The types of products that coal could be refined into seems limitless, Atkins said, and could replace other hydrocarbons — namely oil and natural gas. Cost is the main challenge, with no existing manufacturing base to refine coal like there is for oil and gas. Some of attractive products include:

- Carbon fiber as a lighter weight and stronger replacement for steel and aluminum in cars, wind turbines and more.
- Building materials like concrete.
- Chemicals used in a wide variety of everyday products, from cosmetics to shoes, which currently come from refined oil and gas.

To some historians, this may sound familiar. America used coal for things other than electricity more than a century ago (and for liquid fuel in the 1970s and 1980s). But today's technology enables much higher tech, according to a scientist at an Energy Department lab in Pittsburgh, which has stepped up its research in this area since 2015.

"There's been a renewed interest to use coal in manufacturing because we have new scientific tools and a better understanding of the physics and chemistry of coal than we had 100 years ago. This allows us to think about things we never would have thought about even 10, 15 years ago, like making carbon fiber."
— Christopher Matranga, National Energy Technology Lab

It wouldn't be a total replacement for coal jobs lost from electricity use decline, but it could still provide an economic boost. The sheer quantity of coal needed for power dwarfs what could be refined into high-tech material.

Volumes of high-tech carbon could reach 100 million tons, compared to the 725 million tons of coal the U.S. mined last year, according to a presentation Atkins shared with lawmakers when testifying on the topic last month. The mantra

driving Atkins and others is quality over quantity — and much higher profit margins.

"You're using less coal but creating higher value products that may have similar effects in the local economy because of good wages," said Kate Ringness, co-director of the American Jobs Project.

The environmental and climate change impact of high-tech coal is less compelling than its potential to reap high economic values.

- Coal is still being mined, which has environmental and public-health impacts.
- From a climate perspective, turning coal into products gets at just half the problem: avoiding emissions from burning it for electricity. Using captured carbon dioxide emissions and turning that into products would be most optimal from a climate perspective, experts say. But on a cost basis, coal is cheaper than captured CO2.

"You cannot make that economic argument in the absence of a climate context," said Volker Sick, a University of Michigan professor. Last week he helped launch a new initiative at the school injecting millions of dollars into technology capturing carbon emissions and turning that into similar products Atkins is aiming to create with coal.

What's next: The National Coal Council, a federal advisory committee to Energy Secretary Rick Perry, is preparing to write a report examining how coal can expand beyond electricity into products. It has asked Atkins to chair the effort, according to a draft letter viewed by Axios.

The council expects to receive an official directive from Perry to conduct the report next month. An Energy Department spokeswoman declined to comment.

Amy
energy reporter, Axios

Ex. (b)(6)

@AmyAHarder

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Message

From: COOP Training Workshop [PotomacForum@GovCOOP.org]
Sent: 8/17/2018 4:37:17 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: [SPAM-Sender] Is Your Management Happy With Your COOP Planning?

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Veronica (Roni) M. Glass

Deputy Director, Continuity Division
Office of Operations Coordination
DHS
--
Kenneth Briscoe
Chief, Readiness Branch
Continuity Division
Office of Operations Coordination
DHS
--
Calvin W. Turner, Jr.
Director, National Finance Center, USDA
(NFC is the "Poster Child" for Data Center Relocation & Reconstitution)
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Joe Douglas, ABCP
Continuity Program Manager, USITC
--

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Overview:

- *Hurricane season is now through October. With last year's series of natural disasters in Texas, Louisiana, Puerto Rico, Virgin Islands, and the crippling winter storms in the Northeast, is your organization fully prepared to cope with a catastrophic event?*

- *Is your preparation adequate to maintain continuity of your government functions?*

- *Learn from others including the Director of the Department of Agriculture National Finance Center whose proven leadership successfully implemented a COOP plan and continued mission essential functions during a hurricane that destroyed his facility.*

- *Learn New COOP Requirements, Federal Government Policy, Best & Proven Practices and what they mean for your organization.*
- *The Federal Government's continuity requirements are currently being updated and this workshop will address new developments and how it will impact your organization.*
-

- *New emphasis has been placed on Federal Career and Newly Appointed Leadership to insure continuity in all mission aspects.*

- *There will be no excuses for lack of performance in the event of an emergency. Your agency leadership is more dependent than ever on its COOP personal.*

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- *If you are looking for ways to make your COOP Program execute effectively on a "bad day"*
- *If you are new to the Federal COOP environment*
- *If you are in top leadership and need to learn more about what you are "on the hook" for within COOP*
- *If you are not satisfied with your current agency COOP Plan or Policy*
- *If you have new Agency Leadership and want to be better prepared to discuss COOP*
- *If you want to discuss your COOP planning with other Government experts*
- *If you want to "fine tune" or "Refresh" your knowledge of COOP and current thoughts, regulations, and guidance.*

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- *IT Managers and Staff tasked with Information Systems Contingency Planning according to NIST SP800-34 Rev. 1 Guidance*
- *IGs, QA Managers and Staff*
- *Procurement Staff responsible for COOP Contracting*
- *Human Resource Managers and Supervisors responsible for Implementing COOP Telework and tracking personnel during emergencies*
- *State and Local Government COOP Planners*
- *Industry managers and staff supporting the government*

While this workshop is focused on federal COOP, many State and Local Governments have attended and found the information relevant and useful

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Comments from Previous COOP Workshop Government Attendees (from student evaluations)

Speakers were fantastic! Very informative and great interchange.
Keep up the good work. I will be back for other training.
Security Manager
Executive Office of the President

I learned a lot and gained so much knowledge about the subject.
I didn't know Telework is so important to support during COOP.
Thanks for support of Golv Agencies - Thanks for great speakers and various great subjects.

Enjoyed very much every instructors' presentations
Great breakfast, snacks and Lunch.
Telecom Specialist
Dept of State

One of the best workshops I have attended!
Great presenters.
Government Attendee

I thought the presenters were very compelling and that the information was well organized
GPO attendee

Great overall workshop! Loved all the presenters
Lead
Census Bureau
--*Well worth my time being out of the office for 2 days*
Financial Analyst
US Coast Guard

As the local level funds are limited. This workshop was self funded, but knowledge was outstanding that was worth the value to me in my position. Wonderful Networking opportunity
Emergency Management Coordinator
Sheriff's Office - Emergency Management
County in Wisconsin

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Message

From: Leo Jardot [leo.jardot@align-strategies.com]
Sent: 8/22/2018 7:18:14 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Introductory Letter to Acting Administrator Wheeler
Attachments: WillBaker_ActingAdministrator_EPA_07162018.pdf

Ryan, I hope you are finding calm after the storm and maybe even getting some time off. I just wanted to touch base with the purpose of highlighting an introductory letter from Will Baker, President of the Chesapeake Bay Foundation to Acting Administrator Wheeler with a request to meet in DC or Annapolis.

I would appreciate any guidance or assistance you might give us on this request and look forward to catching up.

Sincerely,

Leo Jardot
Alignment Government Strategies
601 Pennsylvania Ave., NW | South Building, Suite 430
Washington, DC 20004
Leo.Jardot@align-strategies.com
Ex. 6
www.align-strategies.com

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Saving a National Treasure

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July 16, 2018

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Acting Administrator Wheeler:

On behalf of the Board of Trustees and staff of the Chesapeake Bay Foundation, I congratulate you on your appointment as Acting Administrator of the Environmental Protection Agency.

The Chesapeake Bay Foundation (CBF) is the largest independent conservation organization dedicated solely to saving the Bay. With offices in Maryland, Virginia, Pennsylvania and the District of Columbia, we work on farms, in local communities and in both state and federal legislatures to help residents connect with, speak for and restore local rivers and the Bay. Over the last five decades, we have made "Save the Bay" a regional rallying cry for our 275,000 members and countless others throughout the watershed and country.

Since 1983, Bay states, the District of Columbia, and federal partners have been working together under voluntary agreements to save this local and national treasure. In 2014, all Bay states and federal partners signed the Chesapeake Bay Watershed Agreement. For the first time, the states voluntarily included enforceable terms for achieving clean water consistent with 2010 Chesapeake Bay Clean Water Blueprint because – as in any good contract -- they wanted to ensure performance by all. And it is working. We are seeing the clearest water in decades, regrowth of acres of underwater grass beds, and the return of Chesapeake native oysters, which were nearly eradicated by disease, pollution, and overfishing. But the success to date is fragile and much work lies ahead to restore the Bay.

As Acting Administrator, you have a critical role in ensuring this nationally recognized model of federal-state partnership succeeds -- by supporting states and local partners as they implement their plans to restore water quality in their rivers and streams and, ultimately in the Bay.

We recognize the many challenges you face in your new role and would greatly appreciate the opportunity to meet with you in Washington to discuss how we can work together to continue the EPA's signature Chesapeake Bay conservation efforts.

PHILIP MERRILL ENVIRONMENTAL CENTER
6 HERNDON AVENUE | ANNAPOLIS, MD 21403 | 410-268-8816 | CBF.ORG

I have met with many of your predecessors and the open dialogue has been invaluable for the continued success of the Chesapeake Bay model. If your schedule permits, I would particularly welcome hosting a meeting with you at our Annapolis headquarters (the Philip Merrill Environmental Center, the world's first LEED Platinum building) and getting you out on the Bay.

Sincerely,

William C. Baker
President

Cc: Ryan Jackson, Chief of Staff, U.S. EPA Headquarters
Cosmo Servidio, Regional Administrator, U.S. EPA Region 3

Andrew - I look forward to meeting with you.

Bill

Message

From: Latest in Gov Records Management [Training@RecordsManagementInGovernment.org]
Sent: 8/22/2018 4:03:33 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: [SPAM-Sender] Early Bird Registration Now: Records Management in Gov Workshop XVI

Please Forward to Records Managers and Staff
US Chief Records Officer and NARA Executives to Keynote

Records Management in Government Training Workshop XVI

Latest Information on Records Management from NARA, Government Records Managers, and Industry Experts

Report from NARA - Results of the New Records Management Annual Report

Lessons Learned and Best Practices

September 13, 2018
Willard InterContinental Hotel
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Keynote Speaker:
Mr. Laurence Brewer
Chief Records Officer for the U.S. Government

Additional NARA Speakers

Don Rosen
Director of Records Management Oversight and Reporting
National Archives and Records Administration (NARA)
--
Arian Ravanbakhsh
Manager, Policy and Program Support Team
National Archives and Records Administration (NARA)

Courtney Anderson
Electronic Records Policy Analyst
National Archives and Records Administration (NARA)

Gary Rauchuss
Office of the Chief Records Officer
National Archives and Records Administration (NARA)

Additional Government Speakers

Mark Patrick
Chief, Information Management Division, The Joint Staff Secretariat
Department of Defense (DOD)
(awaiting agency approval)

Tim Kootz
Records Management Division Chief
Office of Information Programs and Services, Bureau of Administration
U.S. Department of State
(awaiting agency approval)

Additional Government Speakers to be Announced Soon

This workshop will examine the SAO Annual Records Management Report - Lessons Learned from the Report to Improve Records Management at Your Agency

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Government and Industry Partners are Invited to Register

This Potomac Forum Training Workshop will help agencies to comply and meet the NARA and OMB requirements

Overview:

NARA is focusing on Agencies working on the next deadlines for federal government electronics records, email in the cloud, improved methods for contracting for records management services partnering with GSA and other government-wide initiatives. Agencies continue to focus on email retention and management in accordance with regulations and policy and e-discovery. It is important to understand how the NARA/OMB regulations and deadlines will impact your agency.

This one-day Potomac Forum Workshop will focus on the activities mandated by the NARA/OMB Records Management Directive and related management issues and initiatives. Key executives from NARA and government agencies will discuss the current state of government records management and compliance with policy, regulations and best practices.

Lessons learned from the recent *Federal Agency Records Management Annual Report (Senior Agency Official for Records Management Report Federal Email Management Report and Records Management Self-Assessment)* will be discussed.

The Chief Records Office of the U.S. Government will present the Workshop Keynote and a special follow-on panel with the NARA Executive Leaders will discuss current and proposed government-wide records management initiatives.

What You Will Learn:

- **Lessons learned from the *Federal Agency Records Management Senior Agency Official 2017 Annual Report***
- **What needs to be done to comply with the deadlines imposed by OMB M-12-18**
- **How the role of technology will evolve in the achievement of OMB M-12-18's goals including Cloud Computing**
- **What the components of a sustainable Records Management program will be in this new environment**
- **How the Senior Agency Officials can and are making a difference in improving the management of government records - Lessons Learned from the SAO reporting**
- **NARA Requirements for managing email - lessons learned from IRS news event - Complying with the Law - the Federal Records Act and what it means for email and other records losses**
- **Specific agency actions to be completed in response to the Directive by 2019**
- **and more....**

Why You Should Attend:

- **To gain a clear understanding of OMB M-12-18**
- **Updated information from NARA on training and agency outreach**
- **To assist you in getting the best start on latest thoughts on the implementation of OMB M-12-18**
- **To learn key funding strategies to help your agency implement solutions to meet its objectives**
- **Hear from other government officials about the practical aspects of complying with the Directive**
- **Ensure success of your Records Management Program as you implement the Directive**
- **Lessons Learned since the publication of the Directive**
- **Understand the NARA requirements for email management - avoiding embarrassing non-conformance**
- **Understand email retention regulation, policy, and legislation.**

Who Should Attend:

- **Records Managers and staff.**
- **CIOs and the Staff including technical staff involved with Records Management**

- **Senior Agency Officials (SAOs) for Records Management and those who report to or support the SRO**
- **IGs and Staff**
- **All those with responsibility for initiating and carrying out the reforms mentioned in the President's Records Management Directive**
- **Professionals responsible for managing information resources on an enterprise-wide basis**
- **Those needing to understand latest NARA policy and guidance**
- **Contracting, Procurement and Acquisition Management Professionals**
- **Program Managers Who Must Understand Records Management in Government**
- **Government executives who want to understand email retention and records management regulation, policy, and legislation.**
- **Industry Partners**

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Format:

This workshop will combine keynote presentations by NARA, lectures on implementing the Directive, real world examples and discussions to provide a thorough, enjoyable day of learning.

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Message

From: Amy Harder [amy@axios.com]
Sent: 8/27/2018 9:14:31 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Putting Elon Musk's Tesla into climate change perspective

Putting Elon Musk's Tesla into climate change perspective

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Good morning,

My latest column here to share and copied below: http://axios.link/NCMc

ICYMI, my coverage from last week:

EPA proposes rule replacing Obama's climate plan

Colorado's governor candidate oppose anti-fracking initiative

An important oil-and-gas fight in Colorado

Hickenlooper likely to face progressive backlash if he runs in 2020

Cheers,

Amy

COLUMN / HARDER LINE

Putting Elon Musk's Tesla into climate change perspective

Elon Musk and Tesla offer a gripping corporate tale and coveted electric cars, but when it comes to climate change, they are a rather minor subplot.

Why it matters: Numerous other factors and technologies influence whether electric cars are actually green. And no matter how green they are, they're still just one, relatively small part of a many-sided, global problem.

Let's put aside the whiplash news of Musk mulling via Twitter about taking Tesla private and then deciding not to over the weekend. Here are some basic numbers.

Tesla announced last month it had passed the 200,000 mark for total vehicles sold in the U.S. Third Way, a centrist think tank, crunched some numbers for me to put that figure into context.

Here's how to think of the carbon dioxide emissions avoided by Teslas versus clean sources of electricity:

- A nuclear reactor replacing coal = 541,353 Teslas.
- A nuclear reactor replacing natural gas = 294,041 Teslas.
- Natural gas replacing one coal plant = 98,940 Teslas.
- 100-megawatt wind farm replacing natural gas = 8,267 Teslas.
- Five-megawatt solar farm replacing natural gas = 320 Teslas.

It takes a lot of Teslas to equal the emissions savings of a carbon-free nuclear reactor, and to a lesser extent other clean energy sources.

Lindsey Walter and Josh Freed, the Third Way analysts who did this analysis, stressed that this doesn't negate the importance of Tesla. But it does show how electric cars, and one company in that category, are but one highly dependent piece of the puzzle in addressing climate change. It also illustrates how difficult it is to green the transportation sector.

For the record, a Tesla spokesperson said in a statement: "Tesla exists for one reason: to accelerate the world's transition to sustainable energy."

- The spokesperson went on to say that Tesla is moving the whole auto industry toward electrification.
- "It would be a shame if anyone reading this article came away with the false impression that driving an electric vehicle or owning energy storage or solar products doesn't have a meaningful effect on climate change."

Electric vehicles have a green reputation, but an important reminder: they are only as green as the electricity they are using.

The International Energy Agency has found wide ranges in electric cars' net climate benefits over internal combustion engines, according to its 2018 outlook. That's after factoring in how carbon-intensive a country's electricity is, as well as the emissions associated with batteries and other manufacturing of electric cars.

- The carbon benefits of electric cars over petro-fueled ones drop from 50% to 30% in Europe when adding manufacturing emissions, and even lower in countries that get more electricity from fossil fuels, like the U.S.
- When considering manufacturing emissions, electric cars could even result in a net increase in CO2 emissions in countries like India and China with heavy fossil-fuel power mixes, the IEA says.

Projections show electricity grids around the world getting greener in the decades to come, so electric cars are poised to offer bigger benefits. But it remains an open question how quickly that occurs in China, and to what degree it does at all in India — the two countries that matter most when it comes to future greenhouse gas emissions.

- The avoided global carbon dioxide emissions of all electric cars in 2017 was 29.4 million metric tons, according to the IEA.
- By 2030, the IEA predicts that number could increase to between 177 to 514 million metric tons.
- That range depends on a number of factors, including government policies that support adoption of electric cars and how quickly electricity grids become cleaner.

These are significant savings coming from a single, nascent technology, but for now they're still a relative small piece of the climate puzzle.

- For example, the carbon dioxide emissions coming just from China's industrial sector making cement, steel and other materials is around 3.3 billion metric tons, according to data compiled by the environmental group Clean Air Task Force.

Tesla is pivotally important **to electric cars gaining steam** in the U.S. and around the world. For Musk and others who own shares in Tesla, it's probably a good investment.

That's not the same as Tesla and Musk being pivotally important to addressing climate change. It's like saying: I'm going to lose weight by eating healthier side dishes. You're comparatively healthier for that side, but you're not going to lose much weight without eating healthier for whole meals.

The puzzle of addressing climate change will need clean-energy technologies of all stripes. Musk is contributing with advancing battery technologies and SolarCity, a solar energy company that's a Tesla subsidiary. But there are a lot of other companies doing big things with much lower profiles. Here are three:

- NextEra, the world's largest operator of wind and solar farms, per this recent WSJ profile.
- NuScale Power, which is going through government permitting now to build what is poised to be America's first advanced nuclear reactor.
- NET Power, which is working to commercialize technology capturing carbon emissions from natural-gas plants.

The CEOs here — James Robo, John Hopkins and Bill Brown, respectively — may not be going to space like Elon Musk. But down here on Earth, they're still having a pretty big impact with the planet.

Amy
energy reporter, Axios
Ex. (b)(6)
@AmyAHarder

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Message

From: ECOS [ecos=ecos.org@mail141.atl121.mcsv.net]
on behalf of ECOS [ecos@ecos.org]
Sent: 8/24/2018 5:38:52 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: U.S. EPA Touts State Flexibility in ACE, Iowa's Ehm Announces Retirement, & More

U.S. EPA Touts State Flexibility in ACE, Iowa's Ehm Announces Retirement, & More

ECOSWIRE | Vol. 20 No. 34

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ECOSWIRE

Friday, August 24, 2018
Vol. 20 No. 34

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EPA Touts Increased Flexibility for States in Clean Power Plan Replacement

On August 22, U.S. EPA proposed the Affordable Clean Energy (ACE) Rule aimed at reducing greenhouse gas (GHG) emissions from existing coal-fired electric utility generating units and power plants across the country. The proposal establishes emission guidelines for states to use when developing plans to limit GHGs at their power plants. If finalized, the proposed ACE Rule will replace the prior administration's Clean Power Plan (CPP) that was stayed by the U.S. Supreme Court in 2016.

On a stakeholder call, Bill Wehrum, Assistant Administrator for the EPA Office of Air and Radiation, outlined three primary elements of the the proposed rule:

- "Redefines and rebalances" the relative roles of state and federal governments. EPA maintains that the Clean Air Act clearly gives states primacy on this issue.

EPA will establish the framework of this regulation, and states will develop the implementation strategy. Unlike the CPP, states will set their own emissions standards.

- Defines the best system of emission reduction from existing power plants as onsite (inside the fenceline), heat-rate efficiency improvements and provides states with a list of "candidate technologies" that can be used to establish standards of performance and incorporated in state plans.
- Revises New Source Review (NSR) requirements as they apply to power plants in order to streamline ACE and NSR. Wehrum explains that ACE will create mandates to implement energy efficiency projects in order to improve GHGs. When determining if an energy-efficiency project is reasonable, the state will take project cost into account as one factor. These energy efficiency projects often trigger NSR permit obligations, and the cost of complying with NSR would make many projects "unreasonable."

A series of fact sheets and other information can be found on EPA's website. Parties will have 60 days to comment on the proposed rule following publication in the *Federal Register*. EPA hopes to finalize the rule in 2019. [Poole]

U.S. EPA Releases National Air Toxics Assessment Data

On August 22, U.S. EPA released the 2014 National Air Toxics Assessment (NATA), an air toxics screening tool that uses emissions information to estimate exposure and long-term risk from breathing air toxics nationwide. While the 2014 NATA finds that total emissions of nationwide air toxics are declining, it also shows that more than a dozen areas of the country could have elevated cancer risks from long-term exposure to the chemical ethylene oxide (EtO). This conclusion stems from EPA's 2016 updated estimate of cancer risk from inhaling EtO over a lifetime.

Based on the NATA finding, EPA is collaborating with state, local, and tribal air agencies to use the tools available under the Clean Air Act to address emissions of ethylene oxide from certain types of industries. [Poole]

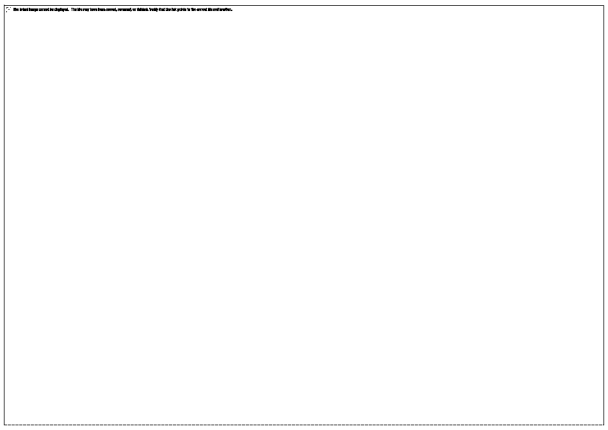
Ehm Announces Retirement from Iowa DNR

Bill Ehm, Administrator of the Iowa Department of Natural Resources Environmental Services Division, this week announced plans to retire on September 20 from state service. Ehm served for seven years in his current position and began his association with DNR 29 years ago as Commissioner and Chair of the Environmental Protection Commission.

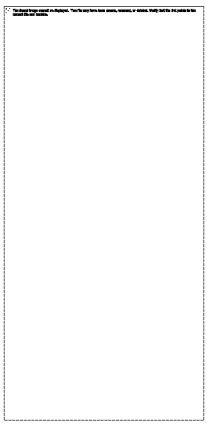
Within ECOS, Ehm has served as ECOS Planning Committee Chair and Vice Chair. The Planning Committee and ECOS have greatly benefitted from his leadership and steady, common-sense approach to fostering a positive state-EPA relationship. He provided significant leadership to ECOS Results as states began to explore possible common measures and has continued his support, leading to the participation of more than 40 states. Ehm also has assisted with preparation of ECOS budget input to EPA and has been a key leader working to promote flexibility in state implementation of delegated federal environmental programs.

Ehm now plans to enjoy time with his 16 grandchildren, travel with his wife, and spend time on his farm. ECOS thanks him for his commitment and leadership! [Graves]

ECOS Finalizes Fall Meeting Agenda, Ready to Welcome 45 States



We look forward to seeing all 200 participants from 45 member agencies and many partner organizations at next week's Silver Anniversary Fall Meeting in Stowe, Vermont! ECOS on August 21 issued an updated final agenda for the **August 27-30** gathering, but please note that the only change from the previous version is the room assignment for the August 27 Oversight Workgroups closed session.



The meeting will feature a personalized mobile meeting app. Make sure to download the Guidebook app (instructions here) to receive the most up-to-date meeting information, participate in live polls, and view the agenda, area attractions and more. We are aware that there may be difficulties associated with downloading the meeting app on government-issued phones. The meeting agenda and other information are available on the ECOS Fall Meeting webpage should you choose to print your materials in advance. [Parisien]

ECOS Website Gets a New Look

The ECOS website got a refresh this week! In addition to incorporating more images in the layout, the website features upgraded Member and Areas of Focus areas, new Cooperative Federalism and PFAS pages and a Sustainable Materials Management initiatives database, and enhanced Staff and Events sections.

Check out the new website here! [Longsworth]

State News You Can Use

Michigan Develops Recycling Reporting Program

Upcoming Events

Webinars

U.S. EPA NETI Series on Clean Water Act

U.S. EPA's National Enforcement Training Institute (NETI) is offering 12 Clean Water Act (CWA) Coffee Break Webinars this summer. The purpose of each 30-minute session is to provide busy enforcement professionals a quick snapshot of a particular part of the CWA. The webinar series is open to EPA and other federal agencies, as well as state, local, and tribal partners and others.

The series will be presented **every Wednesday until August 25, except for July 4**. This Webinars List Link has a registration feature along with a list of webinar times, topics, and descriptions. Only registrations using official government email addresses will be approved.

Contact Art Horowitz of NETI for further information and questions about the series. [Piper]

U.S. EPA on Small Drinking Water Systems

U.S. EPA will hold its 15th Annual Drinking Water Workshop for Small Systems on **August 28-30** in Covington, Kentucky (Cincinnati, Ohio area). The workshop will include an interactive hot topics discussion, three hands-on training options, and live broadcasts of three of the technical sessions through the monthly small systems webinar series.

The workshop is primarily designed for state personnel responsible for drinking water regulations compliance and treatment technologies permitting. Continuing education contact hour credits will be provided. For more details and to register, see here. [Longsworth]

E-Enterprise on CAER One-Year Pilot

The E-Enterprise Combined Air Emissions Reporting Team (CAER), comprised of states and U.S. EPA, invites states, locals, and tribes (SLTs) to a webinar on **August 28 at 2-3 p.m. Eastern** on the CAER One-year Pilot: Moving from Concept to Reality.

CAER is seeking to collaborate with a partner state in the first phase of the development of a Common Emissions From (CEF) over the next two years. Through a CEF, the CAER Team seeks to streamline multiple point source air emissions reporting processes (NEI, GHG, TRI, and CEDRI) by creating a coordinated approach for regulated entities to provide the latest facility attributes and emissions data once, and routing the appropriate data to the relevant regulatory programs. Currently, EPA and SLTs collect air emissions information through numerous separate systems, in a variety of formats on different reporting schedules, and using multiple routes of data transfer. By streamlining this process, the CAER project will reduce reporting burden to industry and government and improve decision-making capacity through more timely availability of high quality data.

Please register and join this webinar to learn more about this project and how your state may participate in a project to improve air emissions reporting.

For information on past phases of this work, please visit EPA's website for final Project Design Team R&D reports and recorded webinars and CEF FAQ sheets. [Poole]

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Message

From: McKinsey Center for Government [mcg@mckinsey.com]
Sent: 8/21/2018 10:37:17 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: McKinsey on Government: August Edition

Welcome to the August edition of McKinsey on Government. In this publication from McKinsey's Public and Social Sector Practice, we explore a wide range of topics. Examining the ways governments around the world are, and could be, improving their performance and delivering better outcomes for less, despite the unique challenges they face.

We hope you find these insights useful. Should you wish to send this on to interested colleagues they can subscribe here

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Message

From: Jim Myers Ex. 6
Sent: 8/22/2018 2:55:54 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Touching base on WOTUS ruling

Hey,

If it pleases the court...

I am including an item in my weekly column about the court ruling against the two-year suspension of WOTUS 2015.

The judge made it clear his decision was NOT on the merits of replacing WOTUS 201 5, just the two-year suspension.

So, I was hoping to get a fresh lede from EPA, perhaps something on whether this decision will or will NOT delay the on-going effort to revise or replace WOTUS 2015.

If you can help, I can accept that on background, NO attribution or quote.

Just to clarify, this is for The Waterways Journal.

Thanks,

Jim Myers

Ex. 6

Message

From: Scott Fulton [fulton@eli.org]
Sent: 8/13/2018 9:06:38 PM
To: Wheeler, Andrew [wheeler.andrew@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
CC: Dickerson, Aaron [dickerson.aaron@epa.gov]; Melodie DeMulling [demulling@eli.org]
Subject: ELI Leadership Council

Good greetings, Andrew, and congratulations on your new post. It's a tough job, to be sure, but also a great opportunity for impact. I wanted to invite you to be the next speaker at The Environmental Law Institute's Leadership Council lunch series. As you may know, the Leadership Council is composed of leading lawyers and environmental professionals, drawn primarily from the private sector, who provide us with strategic advice and assistance in our programming. We hold quarterly luncheons with them where top government officials talk to them in an informal, off-the-record fashion. Through the years, senior leaders from EPA, State, DOI and NOAA have spoken at these gatherings. Bill Wehrum, Assistant Administrator for OAR, along with Jeff Wood, Acting Assistant Attorney General, DOJ ENRD, spoke recently in DC, and Regional Administrator Doug Benevento spoke at a recent event in Denver. A few months back, Susan Bodine, AA for OECA, also spoke. Usually around 25-30 members attend. Our guest usually gives an informal 20 minute talk, and that's followed by about 15-20 minutes of Q&A/discussion. The experience, including lunch, lasts no more than 90 minutes. We follow Chatham House rules to allow for a candid exchange. The next meeting would be in September. Possible dates are listed below depending on what works for scheduling.

Thursday, September 13
Wednesday, September 19
Tuesday, September 25

This is a pretty heady and well-informed group, many of whom you will know. I think you would enjoy the exchange. Please let me know what you think.

All the best in the weeks ahead,
Scott

Scott Fulton
President
Environmental Law Institute
1730 M Street NW, Suite 700
Washington, DC 20036
Ex. 6

Message

From: Derby, Rachel [RDerby@cement.org]
Sent: 8/13/2018 3:46:47 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Follow-Up: PCA Hello

Hi Ryan,

Hope you are having a great August and hopefully getting a little vacation time in. Just wanted to check back in with you and see if you had any thoughts on October 4th.

Thanks again for your consideration and if you need anything in the meantime, please do not hesitate to reach out to me via email or phone: Ex. 6

Best,
Rachel

Rachel Derby
Vice President of Government Affairs
Portland Cement Association
Ex. 6

From: Derby, Rachel
Sent: Thursday, August 02, 2018 10:46 AM
To: 'jackson.ryan@epa.gov' <jackson.ryan@epa.gov>
Subject: PCA Hello

Hi Ryan,

Hope these past few weeks have been treating you well! We are moving along here with some staffing changes, but all is well. I wanted to reach out to you because our Environment and Energy Committee is meeting on Thursday, October 4 at NAM from 8am to 5pm and we wanted to see if Andrew Wheeler is available to speak at any time to our members. Happy to put in a formal request but thought I would run it by you first. As always, if there is anything you need from us, please don't hesitate to reach out.

Hope to see you sometime soon!

Best,
Rachel

Rachel Derby
Vice President of Government Affairs
Portland Cement Association
Ex. 6

Message

From: Big Data In Government Leadership & Mgmt [PotomacForum@BigDataLeadership.org]
Sent: 8/13/2018 3:32:28 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: [SPAM-Sender] Leveraging Gov Big Data for Results - Training Workshop

Leverage Big Data by Attending Data-Centric Leadership Workshop
- Please Forward to Others in Your Agency -

Data-Centric Leadership for Government in the Post Big Data Era Training Workshop

What government executives, managers, and staff need to know to better leverage your organization's data by managing less of it, increasing the quality of what remains, and making that data more shareable

Wednesday, August 22, 2018
Willard InterContinental Hotel
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Government Keynote Speakers
Dan Morgan
Chief Data Officer
Office of the CIO
Department of Transportation (DOT)

John Minkoff
CDO, Enforcement Division
Federal Communications Commission (FCC)
==========

Guest Speakers

Kevin Garrison
Principal Director and Director of Analytics
Deputy Chief Information Officer for
Business Process and Systems Review
Department of Defense

Linda Powell
Chief Data Officer
Consumer Financial Protection Bureau
Awaiting Agency Approval

Todd Harbour
Chiief Data Officer
New York State

Peter Aiken
Founding Director
Data Blueprint
(Associate Professor,
Virginia Commonwealth University)

Elliot Chikofsky
Chief Data Officer
PathBridge

Additional Speakers to Be Announced Shortly

Organizational Co-Sponsor
International Society of Chief Data Officers
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-

Federal Chief Data Officers

Overview:
We have all seen the results of the big data hype. Big data projects fail at the same alarming rate (2/3rds consistently fail to meet functionality, date or cost plans) that characterize IT investments in general. The failure of big data can be attributed to three specific factors:

1) Without an agreed upon definition of big data all results (measurements, claims of success, quantification) were correctly viewed skeptically and with suspicion!

2) The vast majority of these initiatives were implemented as projects with our corresponding programmatic sponsorship, and

3) These projects were implemented as technology-first initiatives.

This workshop presents the tenants of a data-centric approach to organizational problem solving as necessary but insufficient prerequisites to advantageous data leveraging.

These include:
1. Preparing for dramatic change and accurately describing the work that must be done,
2. Understanding the need for and recruiting qualified, knowledgeable enterprise data talent, and
3. Eliminating the Seven Deadly Data Sins.

Accomplishing these will show you how to recognize opportunities, 'size up' required investments, and properly supervise efforts to properly leverage your data. **This is workshop designed and focused for Federal , State and Local Government Executives, Managers and Staff and Industry Partners**

Press is NOT Permitted to encourage candid discussion.

Why You Should Attend:

- This Workshop provides latest thinking around data that requires a different (updated) perspective that has been offered in the past.
- Data-centric organizational practices can be more usefully defined in objective terms permitting easier implementation.

- Key to data success is to first refine, then improve/share.
- Learn to express data goals and timeframes is ways that get folks thinking in terms of decades but in ways that can show periodic deliverables.
- Very little of this material is incorporated into formal education programs.

Who Should Attend:

Government executives, managers and staff (Federal, State and Local) embarking on either IT or business improvement related initiatives. Data, after all, is at the heart of all of these.

Industry and Consultants supporting government clients.

Special "Send-A-Team" Registration Fees
Register 2 persons from the same office and the
3rd and additional students receive a
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Registration and Information:

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Potomac Forum, Ltd.

This email was sent by: **Potomac Forum, Ltd.**
400 North Washington Street , Alexandria , Virginia, 22314 , USA

Message

From: Ex. 6
Sent: 8/17/2018 7:59:01 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: [EXTERNAL] RE: CV and biosketch/executive Summary

Thanks Ryan.

Look forward to hearing from you.

Regards,

Ex. 6

On Aug 16, 2018, at 5:15 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Thank you so much for this. I'll be in touch soon.

From Ex. 6
Sent: Friday, July 27, 2018 1:27 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: CV and biosketch/executive Summary
Importance: High

Dear Ryan,

I am truly sorry for the inordinate delay in sending you my CV and I sincerely apologize for that.

First, I thank you very much for reserving the time to meet with me at your office. I also thank you for providing me an opportunity to discuss the possibility of working at EPA.

I am not underestimating the challenges - some of which I may not be even appreciate the full magnitude. Please go over the attached CV and the biosketch; and let me know your thoughts.

Please do not hesitate to contact me if you have any questions.

Thanks again for your time,

Regards,

Ex. 6

Ex. 6

Ex. 6

Message

From: Barlow Richardson, Michelle (Wicker) [Michelle_Richardson@wicker.senate.gov]
Sent: 8/13/2018 3:13:11 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]

Sorry I missed your call Friday. I just returned from a week in Africa. Tried your office today but got what felt like a generic voicemail so I'm not sure if you check it!

We hired Jen Jet just last month as our scheduler/executive assistant so she is off the market!

MBR

Michelle Barlow Richardson
Chief of Staff, U.S. Senator Roger F. Wicker
555 Dirksen, Washington, D.C. 20510
☎ 202-224-6253

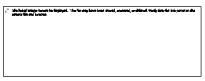
Message

From: Joanna Slaney [jslaney@edf.org]
Sent: 8/24/2018 5:09:07 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Status?
Attachments: ATT00001.txt

Hi Ryan,

I just got back from family vacation and wanted to check in with you. Is there any update on methylene chloride? I'm sure you saw that Walmart is taking it off the shelves. Any news on the delay over there?

Thanks,
Joanna



Joanna Slaney
Legislative Director, Health

Environmental Defense Fund
1875 Connecticut Ave, NW, Suite 600
Washington, D.C. 20009
Ex. 6
jslaney@edf.org

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Message

From: Emily Holden [eholden@politico.com]
Sent: 8/14/2018 11:10:52 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Fwd: Comment on CPP draft?

Flagging for you as something could post shortly

Emily Holden
Reporter, energy/climate
POLITICO
eholden@politico.com
Ex. 6
@emilyhholden

Begin forwarded message:

From: Emily Holden <eholden@politico.com>
Date: August 14, 2018 at 6:31:35 PM EDT
To: Press <Press@epa.gov>
Subject: Comment on CPP draft?

Hi all—I have reviewed a portion of the draft Clean Power Plan replacement. Can you comment on the broader points? I'm told it's back from OMB and should be released in the coming days?
Here's what I see:
*States would write their own plans for coal unit efficiency improvements or could make arguments for why they shouldn't, including based on remaining useful life.
*Carbon emissions, particulate matter and ozone would be higher under any of the scenarios, compared to with the Clean Power Plan.
*Retail electricity rates could be similar or higher than if EPA repealed and didn't replace the CPP.
*EPA will count only the domestic benefits of carbon reductions.
*States could decide whether to adopt changes to New Source Review, based on hourly emissions. More efficient plants might run more and have more pollution.
*The rule would begin before 2025, since EPA looked at how scenarios would play out by then.
If there's any of this that you would correct, even if off the record, that would still inform my reporting. So please let me know. We could be publishing this evening.
Thanks, and feel free to call my cell.
Emily

Emily Holden
Reporter, energy/climate
POLITICO
eholden@politico.com
Ex. 6 (Mobile, WhatsApp, Signal, Confide)
@emilyhholden

Message

From: Amy.Edwards@hklaw.com [Amy.Edwards@hklaw.com]
Sent: 8/8/2018 3:07:06 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Roger.Martella@ge.com; juge@stanfordalumni.org
Subject: Invitation for Acting Administrator Wheeler to speak at ABA SEER Fall Conference
Attachments: ABA SEER Fall-Wheeler Invite.pdf

Importance: High

As Chair of the American Bar Association Section of Environment, Energy and Resources (SEER), I would like to extend an invitation to Acting Administrator Wheeler to speak as a keynote speaker at our upcoming Fall Conference in San Diego, CA on either October 18 or 19th. More details are included in the enclosed letter. We look forward to discussing this opportunity further with you.

Best regards,
Amy

Amy L. Edwards | Holland & Knight
Partner
Holland & Knight LLP
800 17th Street N.W., Suite 1100 | Washington, DC 20006
Ex. 6 Fax 202.955.5564
amy.edwards@hklaw.com | www.hklaw.com

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Section of Environment, Energy, and Resources
AMERICAN BAR ASSOCIATION

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DIRECTOR
Dana L. Joroszalis
Chicago, IL
Ex. (b)(6)

August 8, 2018

The Honorable Andrew Wheeler
Acting Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Acting Administrator Wheeler:

On behalf of the American Bar Association (ABA) Section of Environment, Energy, and Resources (SEER), we invite you to be a keynote speaker at our 26th Fall Conference to be held at the Marriott Marquis San Diego Marina hotel in San Diego, California on October 18-19, 2018.

SEER includes 10,000 lawyers, law students, and affiliated professionals who practice in the fields of environment, energy, and natural resources law. SEER conferences are the premier forum for CLE, networking, and idea exchange for environmental, energy, and natural resource practitioners. Recent speakers at SEER conferences include a range of individuals, such as Governor John Hickenlooper and former Solicitor General Donald Verrilli, as well as current and former Environmental Protection Agency employees, such as Susan Bodine, Myron Ebell, Matthew Leopold, and Bill Wehrum.

The Section's Fall Conference in San Diego will include discussion of a wide range of issues involving a diversity of opinions about environmental and energy topics. In particular, the conference will address a number of Environmental Protection Agency initiatives and statutes overseen by the Agency and we would deeply value the opportunity to hear directly from you about the important work happening at the Agency. The conference brochure and additional conference information are available at http://ambar.org/environfall. The times set aside for keynote presentations are first thing in the morning on either Thursday or Friday, October 18 or 19th, or during the lunch session on Friday, October 19th, and we are happy to work with your staff to accommodate a time that works for your schedule.

We would be greatly honored if you would join us in San Diego this October. Please contact Ms. Edwards at the above address and we will then follow up with details on your keynote speech. We appreciate your consideration of this invitation.

Sincerely,

Amy L. Edwards

Amy L. Edwards
2018-2019 Chair of the Section

Message

From: David Dunlap Ex. 6
Sent: 8/6/2018 5:22:22 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Dunlap - Resume
Attachments: David Dunlap - Resume - 18-08-06.pdf

Attached.

What's next?

DDD

David D. Dunlap

Ex. 6

Professional Experience:

Director, Regulatory Environmental Affairs **May 2010 – Aug 2018**
Koch Industries, Washington, DC

Responsibilities:

- Led business and regulatory compliance managers to identify, track and prioritize emerging environmental regulatory risks and opportunities.
- Drove teams to establish positions in line with corporate principles and business plans while avoiding conflicts with internal and external stakeholders. Included stakeholder identification, resource acquisition and creation of advocacy strategies, work plans and schedules.
- Represented company to external stakeholders (regulators, Congress, trade associations, coalitions, NGOs). Included development of presentations, one-pagers, fact sheets and other communications to educate and advocate positions.
- Organized and led meetings between business leaders and regulators to address important issues and promote corporate profile.
- Managed trade association relationships in line with business unit needs. Included chairing work groups and leveraging trade resources to address corporate priority issues.
- Focus areas included, chemicals and chemical risk assessment, water and nutrients, and oil & gas issues.

Notable Accomplishments:

- Composite Wood Products Rule – Chaired coalition, interpreted Composite Wood Products Law, submitted comments supporting industry position and in response to Agency FR notices, assisted Agency in developing a final rule responsive to Congressional mandate/TSCA Subchapter VI.
- Pesticide Registration – Lead team achieving registration for new active ingredient, engaged Office of Pesticides to find opportunities to reduce timeline to final approval, explained value of FIFRA registration to Office of Water nutrient initiatives and encouraged opportunity for intra-Agency cooperation.
- Refinery Effluent Guidelines – Corporate lead on industry team that engaged Agency on ELG update. Included refinement of 308 questionnaire, identification of facilities for site visits, and concerns with use of an analytical method not approved under 40 CFR Part 136.
- TSCA Reform - Managed corporate-wide TSCA reform effort. Included position development and engagement with Congress, US EPA and coalitions on creation of scientifically sound law, regulations, policies and guidance.
- FACA Committee - Member of US EPA Federal Advisory Committee Act (FACA) Committee tasked with negotiating TSCA chemical data reporting (CDR) burden reduction rule.
- Formaldehyde – Corporate lead for work on formaldehyde IRIS assessment. Shepherded review of draft IRIS, including NAS review and development of new science, including ground-breaking mode of action research.
- Hypoxia Task Force – Corporate representative to the US EPA's Hypoxia Task Force. Engaged federal and state Task Force representatives, advocated for scientifically and economically sound positions on numeric nutrient limits, state nutrient loss reduction strategies and enhanced efficiency fertilizers.

Vice President, Health, Environment, Safety & Security **May 2006 – May 2010**
The Chlorine Institute, Arlington, VA

Responsibilities:

- Led health, environmental, safety, security, and sustainable technology issues for the trade association representing the North American chlor-alkali industry. Focused on achieving cooperation amongst internal & external stakeholders; creating consensus strategies; and presenting a unified position to outside stakeholders.
- Principal link with agencies (e.g. EPA, DHS, OSHA, and CSB), trade associations, standards organizations (AWWA and NSF), coalitions and ENGOs. Member of DHS Chemical Sector Coordinating Council.
- Editorial responsibility for 36 Institute technical guidance manuals.

Notable Accomplishments:

- Performance Recognition Program - Created and expanded chlor-alkali industry program to track and report key personnel & process safety benchmarks (OSHA reportable injuries, RMP releases, RQ incidents).
- Sodium Hypochlorite Reregistration - Chaired team that worked with EPA to finalize changes to the FIFRA label.
- US Chemical Safety Board Response - Managed the industry's response to US CSB investigation regarding an over-chlorination event: Resolved conflicts between members; negotiated with CSB; and submitted on time and to the satisfaction of all stakeholders.

Vice President, Government & Environmental Affairs **May 1995 – May 2006**
Uniform and Textile Service Association, Arlington, VA

Responsibilities:

- Held varying positions leading plant operations, information technology, environmental, health & safety, and government & regulatory affairs. Included managing committees, documenting decisions and advising Board.

Notable Accomplishments:

- Industrial Laundry ELG - Managed a long term, multi-faceted strategy that included extensive coordination with consultants, legal counsel, US EPA, Congress, and the SBA's Office of Advocacy. Resulted in the first-ever "no regulation" decision under the EPA's Effluent Guidelines Program.
- Stewardship Program - Organized and directed the successful creation, development, and implementation of an industry-wide environmental stewardship and resource conservation program (LaundryESP©), which gave the industry a proactive voice on sustainability.
- Title V - Co-authored technical guidance manual for industry Title V compliance, including air emissions factors, modeling, and emissions calculations to help companies evaluate compliance strategies.

Manager, Hazardous Materials Dept. **October 1987 to May 1995**
Ogden Environmental, Fairfax, VA

Responsibilities:

- Managed a group of ten engineers, scientists and support staff as part of a full service environmental firm. Responsible for group budget, business development and personnel development.
- Managed multiple projects involving interaction and negotiation with regulatory and legislative officials at federal, state and local levels; interpreted regulations; prepared and negotiated compliance plans, consent orders and permits; and recommended and implemented solutions.

Wastewater Treatment Plant Manager & Project Engineer **November 1984 to October 1987**
Lapteff Associates, Woodbridge, VA

Responsibilities:

- Managed and operated municipal and industrial wastewater treatment facilities. Included responsibility for NPDES permit compliance, chemical management and safety, maintenance and personnel.
- Certified as a Class I Virginia Municipal Wastewater Treatment Plant Operator.

Education:

Bachelor of Science, Chemical Engineering, Virginia Tech
Studies toward an MS, Environmental Engineering, Virginia Tech

Ex. (b)(6)

Message

From: Ari Natter (BLOOMBERG/ NEWSROOM:) [anatter5@bloomberg.net]
Sent: 8/15/2018 4:54:26 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: you around?

Hey man --

Wanted to circle back with you on this? Also, have you seen the Politico report on the Clean Power Plan replacement? Can you say if that story (summarized below) is accurate?

Thank you sir!

(Bloomberg) --
EPA's climate proposal for coal-burning power plants, expected to be issued in coming days, would give states leeway to write their own rules for coal plants, as well as ability to ask permission to opt out, Politico reports, citing parts of unpublished draft and unidentified person familiar with plan.

- States would be allowed to present reasons for why they don't want to regulate coal plants, including considering how many more years they have left before they would likely shut down, according to unidentified person
- NOTE: EPA is set to unveil its proposed revamp of former President Obama's Clean Power Plan, a 2015 regulation that sought to move away from coal and toward sources such as natural gas, wind and solar
- EPA plans to argue that the Obama administration rule illegally tried to regulate the broader power sector, beyond coal plants, and that the compliance costs would have been hefty and the climate benefits negligible, according to the draft: Politico

---

Ari Natter
Reporter
Bloomberg News

Ex. 6

@AriNatter
Stories: bloom.bg/2mBBE2I

From: jackson.ryan@epa.gov At: 08/14/18 11:17:57
To: Ari Natter (BLOOMBERG/ NEWSROOM:)
Subject: Re: you around?

Let me check and get back with you.

Ryan Jackson

Chief of Staff
U.S. EPA
Ex. 6

On Aug 14, 2018, at 11:17 AM, Ari Natter (BLOOMBERG/ NEWSROOM:) <anatter5@bloomberg.net> wrote:

Wednesday evening or sometime during the day Thursday. That work?

Ari Natter
Reporter
Bloomberg News
Ex. 6
@AriNatter
Stories: bloom.bg/2mBBE2I

From: jackson.ryan@epa.gov At: 08/14/18 11:14:40
To: Ari Natter (BLOOMBERG/ NEWSROOM:)
Subject: Re: you around?

Sure. When works for you?

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

On Aug 14, 2018, at 10:33 AM, Ari Natter (BLOOMBERG/ NEWSROOM:) <anatter5@bloomberg.net> wrote:

Hey man --

Just sent you a text too...Any chance your around this week and have time for a quick meet up?

Thank you sir!

From: Ari Natter (BLOOMBERG/ NEWSROOM:) At: 06/06/18 17:27:29
To: jackson.ryan@epa.gov
Subject: What's up with this?

Message

From: Effective Management of Big Data in Government [ManagingBigData@BigDataInGov.org]
Sent: 8/20/2018 1:02:17 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: [SPAM-Sender] Final eMail Notice: Register for Wednesday's Leveraging Gov Big Data for Results

This Wednesday - Leverage Big Data by Attending Data-Centric Leadership Workshop
- Please Forward to Others in Your Agency - Please Do Not Unsubscribe -

Data-Centric Leadership for Government in the Post Big Data Era Training Workshop

What government executives, managers, and staff need to know to better leverage your organization's data by managing less of it, increasing the quality of what remains, and making that data more shareable

Wednesday, August 22, 2018
Willard InterContinental Hotel
Washington, D.C.

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Office of the CIO
Department of Transportation (DOT)

John Minkoff

CDO, Enforcement Division
Federal Communications Commission (FCC)
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Guest Speakers

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Principal Director and Director of Analytics
Deputy Chief Information Officer for
Business Process and Systems Review
Department of Defense

Todd Harbour
Chiief Data Officer
New York State

Peter Aiken
Founding Director
Data Blueprint
(Associate Professor,
Virginia Commonwealth University)

Elliot Chikofsky
Chief Data Officer
PathBridge

Organizational Co-Sponsor
International Society of Chief Data Officers
(isCDO)

Federal Chief Data Officers

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We have all seen the results of the big data hype. Big data projects fail at

the same alarming rate (2/3rds consistently fail to meet functionality, date or cost plans) that characterize IT investments in general. The failure of big data can be attributed to three specific factors:

1) Without an agreed upon definition of big data all results (measurements, claims of success, quantification) were correctly viewed skeptically and with suspicion!

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These include:
1. Preparing for dramatic change and accurately describing the work that must be done,
2. Understanding the need for and recruiting qualified, knowledgeable enterprise data talent, and
3. Eliminating the Seven Deadly Data Sins.

Accomplishing these will show you how to recognize opportunities, 'size up' required investments, and properly supervise efforts to properly leverage your data. **This is workshop designed and focused for Federal , State and Local Government Executives, Managers and Staff and Industry Partners**

Press is NOT Permitted to encourage candid discussion.

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- This Workshop provides latest thinking around data that requires a different (updated) perspective that has been offered in the past.
- Data-centric organizational practices can be more usefully defined in objective terms permitting easier implementation.
- Key to data success is to first refine, then improve/share.
- Learn to express data goals and timeframes is ways that get folks thinking in terms of decades but in ways that can show periodic deliverables.
- Very little of this material is incorporated into formal education programs.

Who Should Attend:

Government executives, managers and staff (Federal, State and Local) embarking on either IT or business improvement related initiatives. Data, after all, is at the heart of all of these.

Industry and Consultants supporting government clients.

Special "Send-A-Team" Registration Fees
Register 2 persons from the same office and the 3rd and additional students receive a $200 reduction in registration fee.

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400 North Washington Street , Alexandria , Virginia, 22314 , USA

Message

From: Ex. 6
Sent: 8/8/2018 6:40:03 PM
To: Willis, Sharnett [Willis.Sharnett@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE:

That sounds great, Sharnett. I appreciate your help. I will see you both next week. - Ex. 6

From: Willis, Sharnett <Willis.Sharnett@epa.gov>
Sent: Wednesday, August 8, 2018 2:38 PM
To: Ex. 6; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE:

Hello Ex. 6

Directions:

We are located on the 3rd floor of the William Jefferson Clinton North Building. The William Jefferson Clinton North Building is part of the EPA Headquarters complex located on 12th Street, NW between Constitution and Pennsylvania Avenues. The entrance to the building is located directly above the Federal Triangle Metro Station (on the Blue, Orange and Silver lines - if you are taking the metro).

Upon entering the building, you will be asked to provide a photo ID* and to pass through the metal detector for security purposes. I will meet you and escort you upstairs for the meeting.

Thanks.

Sharnett Willis
Office of the Administrator
202/5647866

From: Ex. 6
Sent: Wednesday, August 8, 2018 2:00 PM
To: Willis, Sharnett <Willis.Sharnett@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE:

Thank you, Sharnett. That works great. Let me know the preferred location and I will see you then.

From: Willis, Sharnett <Willis.Sharnett@epa.gov>
Sent: Wednesday, August 8, 2018 1:57 PM
To: Ex. 6; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE:

Hello Ex. 6

Ryan will be on travel August 13-14. He's available on August 15 from 2:00pm – 3:00pm. Please let me know if this works for you.

Thank you.

Sharnett Willis
Office of the Administrator
202/564-7866

From: Ex. 6
Sent: Wednesday, August 8, 2018 1:36 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Willis, Sharnett <Willis.Sharnett@epa.gov>
Subject: RE:

Thanks, Ryan. Here are several times.

Mon Aug 13: free 1pm or 4pm.
Tues Aug 14: I'm free all day.
Wed Aug 15: free any time after 1pm

Look forward to meeting. Ex. 6

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Tuesday, August 7, 2018 7:52 PM
To: Ex. 6
Cc: Willis, Sharnett <Willis.Sharnett@epa.gov>
Subject:

Ex. 6 thanks for the call. Let me know some times which may work for you next week.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency
Ex. 6

Message

From: MJ Marshall [MJ.Marshall@grayling.com]
Sent: 8/2/2018 3:04:36 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: MJ Marshall [MJ.Marshall@grayling.com]
Subject: Following up on request for meeting

Hi Ryan: I'm following up on the request for a meeting I recently left with your office.

If you have a minute to call to discuss I'll be very grateful.

Best wishes,

MJ Marshall
Senior VP
Grayling
Ex. 6

Message

From: Lorman OnDemand Webinars [customerservice@lorman-webinar.com]
Sent: 8/20/2018 12:46:30 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Current Issues With Algae and Water Quality - OnDemand Webinar

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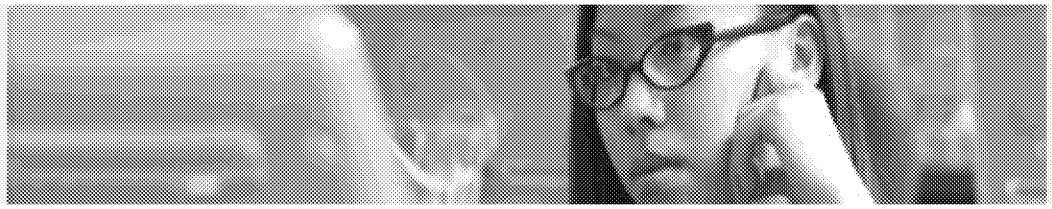

OnDemand Webinar

Current Issues With Algae and Water Quality

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Credits*:

The occurrence of cyanobacterial blooms in marine, brackish and freshwater is a worldwide phenomenon. One third of the 50 genera of freshwater cyanobacteria are capable of producing toxins. Recognizing the potential health risk, Canada, the United Kingdom, Australia and many European countries have established guidelines for the level of cyanobacterial toxins permissible in drinking and recreational waters. The United States has acknowledged cyanotoxins as a potential health risk by placing them on the United States Environmental Protection Agency (U.S. EPA) drinking water Contaminant Candidate List (CCL). Cyanotoxins have been on a CCL since 1998. Recent research preformed by National Oceanic and Atmospheric (NOAA), U.S. EPA, United States Geological Survey (USGS), United States Department of Agriculture (USDA) and academic institutions show nationwide impairment of freshwater sources by toxic algae.

This OnDemand Webinar educates and informs water resource managers, environmental health practitioners, health professionals, and utility operators and managers about the environmental and human health risk of freshwater harmful algae blooms. The OnDemand Webinar reviews real-time monitoring tools which are being used in early warning models for HABs. This program provides the tools for water managers to make informed decisions regarding HABs to reduce the risk to the environment and human health.

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Message

From: Kellis Moss [kmoss@ducks.org]
Sent: 8/11/2018 8:29:52 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re:

Ryan,
That's great, man! Thanks for the heads up. Looking forward to having him out. I'll circle up with our regional guys to make sure everything is covered. Let me know if you need anything.

Kellis Moss
Ducks Unlimited

> On Aug 11, 2018, at 3:24 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>
> Kellis, Wheeler is heading to MI Friday and we have an event with the local DU chapter. If you guys would like more information I can send. We were planning a Great Lakes trip with Walberg and he got the local DU chapter involved which is great but I also wanted DU HQ to know.
>
>
>
>
>
>
>
> Ryan Jackson
> Chief of Staff
> U.S. EPA
> Ex. 6
>

Message

From: Repko, Mary Frances (EPW) [mary_frances_repko@epw.senate.gov]
Sent: 7/31/2018 6:19:29 PM
To: Lyons, Troy [lyons.troy@epa.gov]; Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: Security Question

Thanks Troy,

We communicated that to our LAs yesterday. Happy to reiterate again this afternoon.

-MF

From: Lyons, Troy <lyons.troy@epa.gov>
Sent: Tuesday, July 31, 2018 2:17 PM
To: Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov>; Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Security Question

MF, Michal:

We are looking forward to tomorrow's hearing—well, really just seeing the resurrection of the paper machete head.

Michal and I spoke yesterday, but wanted to stress that the Administrator would not like the questions regarding his security to be raised tomorrow. He fears that publicly disclosing his status may prompt heightened security measures to be taken—which he wants to avoid.

He will personally speak with any Senator who would like to know his level of security. Could communicate that to the LA's?

Thanks for working with us on this!

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

Message

From: Big Data Update for Government [ManagingBigData@PotomacForumEvent.org]
Sent: 8/19/2018 4:30:49 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: [SPAM-Sender] Leveraging Big Data for Results - Training Workshop

Leverage Big Data by Attending Data-Centric Leadership Workshop
- Please Forward to Others in Your Agency -

Data-Centric Leadership for Government in the Post Big Data Era Training Workshop

What government executives, managers, and staff need to know to better leverage your organization's data by managing less of it, increasing the quality of what remains, and making that data more shareable

Wednesday, August 22, 2018
Willard InterContinental Hotel
Washington, D.C.

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Government Keynote Speakers
Dan Morgan
Chief Data Officer
Office of the CIO
Department of Transportation (DOT)

John Minkoff
CDO, Enforcement Division
Federal Communications Commission (FCC)
==========

Guest Speakers

Kevin Garrison
Principal Director and Director of Analytics
Deputy Chief Information Officer for
Business Process and Systems Review
Department of Defense

Linda Powell
Chief Data Officer
Consumer Financial Protection Bureau
Awaiting Agency Approval

Todd Harbour
Chiief Data Officer
New York State

Peter Aiken
Founding Director
Data Blueprint
(Associate Professor,
Virginia Commonwealth University)

Elliot Chikofsky
Chief Data Officer
PathBridge

Additional Speakers to Be Announced Shortly

Organizational Co-Sponsor
International Society of Chief Data Officers
(isCDO)

-

Federal Chief Data Officers

Overview:
We have all seen the results of the big data hype. Big data projects fail at the same alarming rate (2/3rds consistently fail to meet functionality, date or cost plans) that characterize IT investments in general. The failure of big data can be attributed to three specific factors:

1) Without an agreed upon definition of big data all results (measurements, claims of success, quantification) were correctly viewed skeptically and with suspicion!

2) The vast majority of these initiatives were implemented as projects with our corresponding programmatic sponsorship, and

3) These projects were implemented as technology-first initiatives.

This workshop presents the tenants of a data-centric approach to organizational problem solving as necessary but insufficient prerequisites to advantageous data leveraging.

These include:
1. Preparing for dramatic change and accurately describing the work that must be done,
2. Understanding the need for and recruiting qualified, knowledgeable enterprise data talent, and
3. Eliminating the Seven Deadly Data Sins.

Accomplishing these will show you how to recognize opportunities, 'size up' required investments, and properly supervise efforts to properly leverage your data. **This is workshop designed and focused for Federal , State and Local Government Executives, Managers and Staff and Industry Partners**

Press is NOT Permitted to encourage candid discussion.

Why You Should Attend:

- This Workshop provides latest thinking around data that requires a different (updated) perspective that has been offered in the past.
- Data-centric organizational practices can be more usefully defined in objective terms permitting easier implementation.

- Key to data success is to first refine, then improve/share.
- Learn to express data goals and timeframes is ways that get folks thinking in terms of decades but in ways that can show periodic deliverables.
- Very little of this material is incorporated into formal education programs.

Who Should Attend:

Government executives, managers and staff (Federal, State and Local) embarking on either IT or business improvement related initiatives. Data, after all, is at the heart of all of these.

Industry and Consultants supporting government clients.

Special "Send-A-Team" Registration Fees
Register 2 persons from the same office and the
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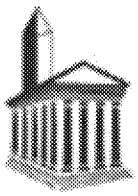

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This email was sent by: **Potomac Forum, Ltd.**
400 North Washington Street , Alexandria , Virginia, 22314 , USA

Message

From: Shane Skelton [skelton@s2cpacific.com]
Sent: 8/8/2018 12:03:54 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Follow-Up

Hi Ryan -

It was great finally meeting in person in DC last month. I know the Administrator is extremely busy (as I'm sure you are), so I just wanted to follow up and see if he is still interested in coming on our podcast as a guest next month. No worries at all either way, but wanted to follow-up for planning purposes.

We will be in DC next week to record with Sen. Heinrich and Amy Harder, which should be great. In September, we were invited to do a live recording at the Global Climate Summit in San Francisco, which goes from 9/12-9/14. I didn't want to commit to it until we had a better sense of whether Administrator Wheeler was coming on and if so, when, as that would be a far higher priority for me than the Summit.

Last week, David Crane knocked the Administrator - though he was friendly about it. I stressed that he was new to the job and already doing some great things, but the message got lost. As we get more listeners, it would be so great for the climate/clean energy audience to hear from him directly and understand what is actually going on at EPA and why.

Apologies for the lengthy email.

Thanks,
Shane

Shane Skelton | Partner
8730 Wilshire Blvd., Ste. 350 | Beverly Hills, CA | 90211
Ex. 6 skelton@s2cpacific.com

Check out Political Climate podcast here
LinkedIn
Twitter @ShaneSkelton

Message

From: Ari Natter (BLOOMBERG/ NEWSROOM:) [anatter5@bloomberg.net]
Sent: 8/16/2018 9:03:57 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: you around?

Hey man --

Circling back on this. Does sometime next week work better? Thank you sir!

Ari Natter
Reporter
Bloomberg News
Ex. 6
@AriNatter
Stories: bloom.bg/2mBBE2I

From: jackson.ryan@epa.gov At: 08/14/18 11:17:57
To: Ari Natter (BLOOMBERG/ NEWSROOM:)
Subject: Re: you around?

Let me check and get back with you.

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

On Aug 14, 2018, at 11:17 AM, Ari Natter (BLOOMBERG/ NEWSROOM:) <anatter5@bloomberg.net> wrote:

Wednesday evening or sometime during the day Thursday. That work?

Ari Natter
Reporter
Bloomberg News
Ex. 6
@AriNatter
Stories: bloom.bg/2mBBE2I

From: jackson.ryan@epa.gov At: 08/14/18 11:14:40
To: Ari Natter (BLOOMBERG/ NEWSROOM:)
Subject: Re: you around?

Sure. When works for you?

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

On Aug 14, 2018, at 10:33 AM, Ari Natter (BLOOMBERG/ NEWSROOM:) <anatter5@bloomberg.net> wrote:

Hey man --

Just sent you a text too...Any chance your around this week and have time for a quick meet up?

Thank you sir!

From: Ari Natter (BLOOMBERG/ NEWSROOM:) At: 06/06/18 17:27:29
To: jackson.ryan@epa.gov
Subject: What's up with this?

Message

From: JW Hackett Ex. 6
Sent: 8/18/2018 6:50:34 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re:
Attachments: jwhackett_resume.pdf

Hi Ryan -

As discussed, you will find my resume as an attachment.

I hope you are having a great weekend.

All the Best,

J.W.

Jonathan W. Hackett

Ex. 6
linkedin.com/in/jonathanhackett

ADVOCACY, ENVIRONMENTAL AFFAIRS, & MARKET DEVELOPMENT SPECIALIST

Professional with 10 years of experience in advocacy, strategic sourcing, and operations within government, energy, and agribusiness; seeking a challenging position in a public policy or environmental affairs role. Environmental Affairs and Public Policy expert with proven aptitude for identification of environmental and public policy trends, positioning organizations positively through stakeholder engagement, and delivering profit gains and reductions in operational expenses by capturing business development opportunities.

Key Competencies

Government Affairs ● Public Policy Analysis ●Market Development ● Stakeholder Engagement ● Qualitative Research ● Environmental Policy ● Commodity Trading ● Regulatory Affairs ● Presentations ● Supplier & Customer Relationship Management

---

RENEWABLE ENERGY GROUP, INC.
Publicly-traded manufacturing firm with 14 refineries and 9 locations in North America and Europe, focused in biofuels, renewable chemicals, and petroleum marketing with $2.2B annual sales.

Director, Feedstock & Development (Ames, IA) August 2016-Present

- Develop international raw material supply chains for biofuel refineries and higher value markets for co-products sales
- Create and implement policies to enable compliant transactions including due diligence, contract requirements, and regulatory compliance
- Establish and foster relationships with regulatory authorities; promote the environmental contributions of our supply chains
- Obtained regulatory approval to import a wider variety of fats, oils, and greases than previously permitted
- Identified and built supply chains for raw materials resulting in >$1,000,000 savings
- Initiated direct international co-product sales capturing >$750,000 additional profit

Director, Procurement & Feedstock Development (Ames, IA) November 2014-April 2016

- Traded fats, oils, and greases, and maintained positions for three refineries in the U.S. Gulf
- Identified $500,000 in savings, assured supply chain reliability, and diversified suppliers

Director, Federal Affairs & Policy (Washington, DC) August 2012-October 2014

- Developed and executed strategies to enhance government and stakeholder attention to company priorities
- Established and fostered relationships with Congressional Offices & Committees, agencies, NGOs, embassies, think tanks, and other stakeholders
- Analyzed and submitted docket comments for agency rulemakings and provided environmental compliance counsel
- Analyzed emerging public policy issues and advised C-Suite executives

- Developed compliance language adopted by the Department of Navy for renewable fuel contracts
- Analyzed foreign alternative fuel markets to inform acquisition of a European biofuel firm

U.S. SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
Congressional Committee with legislative jurisdiction over environment, energy, and infrastructure matters.

Counsel [progressively ascending positions] (Washington, DC) August 2008-August 2012

- Counseled the Ranking Member and Minority Offices on energy and environmental policy issues before the Committee
- Worked with industry representatives, constituents, and other stakeholders to identify and address regulatory and government program concerns
- Developed agenda for mobile source emissions, liquid transportation fuels, and wildlife; built and coordinated coalitions and working groups to advance agenda through public presentations, regulatory agency oversight, and Congressional hearings
- Led transportation fuel policy development for Senate Minority
- Led regulatory oversight, which yielded constituent-favorable changes to biofuel rules and Endangered Species Act Candidate Species

Ex. (b)(6)

EDUCATION

University of Miami School of Law, Coral Gables, FL
Juris Doctor, May 2008

Lake Forest College, Lake Forest, IL
Bachelor of Arts, *cum laude*, Politics, Minor in Middle Eastern Studies, May 2005

CERTIFICATIONS & TRAINING

Ex. (b)(6)

Ex. (b)(6)

Colorado School of Mines, Energy & Minerals Field Institute, Golden, CO
Government Field Program, August 2011

International Conservation Institute, San Jose, Costa Rica
Costa Rica Field Program, April 2011

PROFESSIONAL MEMBERSHIPS

Florida Bar, Member ID 55938

Message

From: Janet McCabe Ex. 6
Sent: 8/8/2018 2:35:59 PM
To: Wheeler, Andrew [wheeler.andrew@epa.gov]
CC: Wehrum, Bill [Wehrum.Bill@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Letter to Acting Administrator Wheeler
Attachments: Wheeler 8.8.18.pdf

Dear Acting Administrator Wheeler:

Attached please find a letter from myself and several other former leaders of EPA's Office of Air and Radiation.

Sincerely,

Janet G. McCabe

August 8, 2018

Andrew Wheeler
Acting Administrator, USEPA
1200 Pennsylvania Avenue
Washington, DC 20460
Wheeler.andrew@Epa.gov

Dear Acting Administrator Wheeler:

Those of us signing this letter have each had the honor to lead the US Environmental Protection Agency's Office of Air, the office within EPA responsible for implementing the federal Clean Air Act. Decades of scientific research show that exposure to air pollution causes or exacerbates asthma, heart disease, cancer, and premature death and that reductions in air pollution save lives and improve daily quality of life for millions of Americans. We worked for both democratic and republican administrations, and are proud of the progress this country has made towards cleaner air.

As your time as Acting Administrator begins, you have the opportunity to clearly set the direction of the agency and return to its core statutory mission of protecting public health. We urge you to take that opportunity, and any of us would be happy to talk with you further about the issues we raise in this letter.

In the 1960s and 70s, this country realized that the waste products associated with an industrial economy endangered clean air and water. In 1970, faced with the kind of smoggy skies most Americans alive today have never seen in our country, Congress recognized as national policy the importance of clean air to this country's health and economic vitality. It established the USEPA to implement the Clean Air Act and other foundational public health laws. In the 1970 Clean Air Act, and then again in 1990, it established safeguards to ensure that no matter where you live in this country, the air you breathe should not make you sick.

In both 1970 and 1990, Congress, and the republican presidents who signed the laws, recognized three important things:

- Protecting public health is neither partisan nor political, and must be based on good science. Setting a standard for healthy air is not a matter of opinion, no more than determining a healthy blood pressure or cholesterol level.
- Science is always improving. As our scientific knowledge improves, we understand more about how air pollution affects human health and ecosystems, and we may need to change how we define healthy air. As technology improves, we are able to reduce or prevent harmful air emissions more efficiently and at lower cost. With the Clean Air Act,

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Congress wisely recognized that EPA should review its rules regularly so they would reflect current science.

- Congress wisely told EPA to set health standards on health science alone and it told EPA to take cost and other impacts into account as we work to meet the scientifically established goal of clean and healthy air. Thus, the Clean Air Act requires USEPA to consider the state of technology, the cost to business, potentially adverse impacts on water, energy, and other issues as well as the impacts on human health and the environment, as it carries out the law.

These foundational principles seem to be lost in recent rhetoric that is trying to make Americans believe that an agency founded to protect Americans from smog, polluted drinking water and hazardous waste in their communities, is somehow an enemy of the American people and our economy.

All of us realize that improvements can be made to programs that have been put in place as we learn from implementation, facts on the ground change and new technology is developed. In that spirit we have looked at the many Trump Administration Clean Air Act proposals and policies announced under the Clean Air Act since January 2017, including the most recent proposal to freeze fuel economy and tailpipe CO2 standards. We are hard pressed to find a single one that finds a different or better way to reduce air pollution. Some, like the effort to restore the loophole for super-polluting glider trucks, will unquestionably lead to more public health impacts.

One of the areas that requires strong attention and can always benefit from new thinking is the challenge to reduce carbon and methane emissions. The proposals we have seen, rather than finding better ways to meet the challenge, are stepping back from addressing harmful carbon pollution. The time invested in stepping back and the litigation likely to follow will impair our nation's ability to deal with the inevitable hardships that are coming with a changed climate—hotter temperatures, more violent storms and flooding, more drought and wildfires. Again, the recent proposal on tailpipe and fuel standards is a compelling example. By all accounts, the auto industry, the state of California and other stakeholders are willing to discuss flexibilities and adjustments that will allow the industry to make continued progress towards cleaner, more efficient vehicles and improved public health, safety and economic vitality. We urge you to advocate strongly for those discussions to take place, constructively, before any final determination is made.

Other policies that are focused on improving the efficient implementation of key Clean Air Act programs must find a balance between streamlining and adequate oversight. We have to take care to not undermine the architecture that has enabled EPA to deliver cleaner air to all Americans without adversely affecting the economy over the past fifty years.

While in office, each one of us was exposed to strong advocacy from the full range of stakeholders interested in EPA's air quality work and did our best to make decisions that reflected thoughtful consideration of all viewpoints, an objective factual record, and EPA's

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public health mission and statutory responsibilities. As you assume leadership, we urge you to reconsider some of the proposals that seem to be motivated by a reckless drive to de-regulate, no matter the cost, or in response to requests by industries or individuals motivated by their own bottom line or political leanings, not by what is best for the American people.

Thank you for your consideration of these issues, and please contact any of us if you would like to discuss them further.

Sincerely yours,

/s/

Roger Strelow, 1974-1977
David Hawkins, 1977-1981
Bob Perciasepe, 1998-2001
Gina McCarthy, 2009-2013
Janet McCabe (Acting), 2013-2017

Cc: Bill Wehrum, OAR

ED_002480_00065106-00003

Message

From: Mr. Olympia Ex. 6
Sent: 8/1/2018 9:41:08 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: Misuse of Episodic Telework and not working Schedule Hours

Dear Chief of Staff Jackson:

Good morning Sir. May I ask where do I go to report an EPA Employee who is not following his/her designated work schedule and to my knowledge is not on maxiflex.? This employee has used Episodic Telework to work every other Friday (as of this coming Friday August 3, 2018 set employee is supposed to be off but yet is working Episodic Telework).

Thank you for taking out the time to read this message and I look forward to your reply to my message.

Message

From: Green Guy Media [talkwithgreenguy=gmail.com@mail173.suw121.mcdlv.net]
on behalf of Green Guy Media [talkwithgreenguy@gmail.com]
Sent: 7/5/2018 2:46:41 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: ♻ Green Guy Media Newsletter Solarize Atlanta

♻ Green Guy Media Newsletter Solarize Atlanta

Your 1# source for interviews and podcasts in the Sustainability Community
Volume 76 - July 5, 2018

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Talk with Green Guy Show!
Sunday, July 8th, 9-10am EST.

Don Moreland of Solarize Atlanta joins us this week to discuss the community based solar energy group purchasing campaign that makes solar accessible and affordable for Atlanta residents. Solarize campaigns harness the power of the crowd to save money for residences and businesses,could this be the

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WGST AM 640

new model to help get solar in every community in the United States?

Coming Events

Green Guy Media EcoEvent of the Week:
July 6th, First Friday LEED Webinar
USGBC South Regions
bit.ly/2ITGo24

July 13th, Urban Grower Boot Camp
bit.ly/2No3TNd

June 26th-July 19th, Sierra Club Georgia Chapter Featured Events
sierraclub.org/georgia

Atlanta BeltLine July Calendar
beltline.org/events

Chattahoochee Nature Center July Calendar
chattnaturecenter.org/calendar-events

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Message

From: Maxine Joselow [mjoselow@eenews.net]
Sent: 6/25/2018 7:45:29 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: E&E News inquiry

Hi Ryan,

I hope this email finds you well. My name is Maxine, and I'm a reporter for E&E News, an environmental publication in D.C. I'm currently looking through the batch of emails recently released to the Sierra Club through FOIA, and I was hoping to ask you about requests for a meeting between EPA Administrator Scott Pruitt and former EPA Region 9 Administrator Wayne Nastri. In particular, I was hoping to get your thoughts on why you weren't able to arrange the meeting, and why the meeting never ended up happening. I would really appreciate if you could give me a call at your convenience at Ex. (b)(6) I'm happy to discuss this on background or off the record before you provide any remarks on the record.

Thanks very much,
Maxine
--
Maxine Joselow
E&E News reporter
Ex. (b)(6)
@maxinejoselow

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

Message

From: Ex. (b)(6)
Sent: 7/16/2018 1:20:46 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: Opening in the public affairs office

Good Morning Ryan,

I hope all is well. Just want to stay at the top of your emails after what I assume was a busy week for you and EPA last week.

Would you have time for a call or meeting this week regarding joining EPA's public affairs team?

I can definitely work around your schedule.

Thanks Ryan.

Ex. (b)(6)

On Mon, Jul 9, 2018 at 1:40 PM, Ex. (b)(6) wrote:

Thanks Ryan. My cell is Ex. (b)(6)

On Mon, Jul 9, 2018 at 1:33 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Thank you. I'll get back with you when I have the opportunity.

From: Ex. (b)(6)
Sent: Monday, July 9, 2018 12:44 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: Opening in the public affairs office

Hi Ryan,

I hope all is well. Just wanted to follow up on this to see if you have time this week to meet regarding the AA for public affairs position at EPA. My resume is attached for your review and reference.

Thanks Ryan and I look forward to speaking about this great opportunity.

Ex. (b)(6)

Ex. (b)(6)

On Mon, Jun 25, 2018 at 12:21 PM, Ex. (b)(6) wrote:

Hi Ryan,

I hope all is well. Would you have time to speak this week regarding the AA for Public Affairs position at EPA?

My resume is attached for your review.

Thank you.

Ex. (b)(6)

On Mon, Jun 18, 2018 at 9:54 AM, Ex. (b)(6) wrote:

Hi Ryan,

I hope all is well. Just wanted to check in with you on this to see if you had anytime this week to discuss the Associate Administrator for Public Affairs position at EPA.

I can definitely work around your schedule.

Thanks Ryan and I look forward to meeting/speaking with you.

Ex. (b)(6)

On Wed, May 30, 2018 at 8:50 AM, Ex. (b)(6) wrote:

Good Morning Ryan,

I hope all is well. I don't know if you remember me but we met when I was working at the Senate Energy and Natural Resources Committee and when you were at EPW. First, Administrator Pruitt is doing a great job and the EPA is doing great work.

Second. I am reaching to see if you had time to discuss the opening left in EPA's public affairs office by the departure of Liz Bowman as I would kindly ask to be considered for that position. Currently, I am a

Ex. (b)(6)

Ex. (b)(6) I know how to communicate complex energy policy issues out to the media.

I am a true believer in President Trump's agenda and fully support Administrator Pruitt's mission and the work he has done at EPA. Would you have time to discuss this open position in the EPA's public affairs office?

Thanks Ryan and I look forward to hearing back from you.

Ex. (b)(6)

Ex. (b)(6)

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Message

From: Holland, Luke (Inhofe) [Luke_Holland@inhofe.senate.gov]
Sent: 7/17/2018 10:21:39 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]

https://twitter.com/JimInhofe/status/1019345922269110272

Luke Holland
Chief of Staff
Office of U.S. Senator James M. Inhofe
(p) 202-224-4721

Message

From: Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]
Sent: 7/17/2018 6:46:39 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: Alert: New Chemicals Could Enter Market Sooner Under Plan Eyed by EPA

No arguments from me on various TSCA-implementation-related horrendousness, but the question is, is it true that some new process has been decided on and is about to be implemented in lieu of the guidance that was put out for public comment? Because if that is the case, a number of us will want to be briefed on the particulars before decisions on PMNs are made using a new process that none of us have ever heard of.

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

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Tuesday, July 17, 2018 2:40 PM
To: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>
Subject: RE: Alert: New Chemicals Could Enter Market Sooner Under Plan Eyed by EPA

We are providing a statement for this updated story. Nothing could be further from the truth. The truth is we are doing a horrendous job of approving new chemicals.

From: Freedhoff, Michal (EPW) [mailto:Michal_Freedhoff@epw.senate.gov]
Sent: Tuesday, July 17, 2018 2:21 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: FW: Alert: New Chemicals Could Enter Market Sooner Under Plan Eyed by EPA

New Chemicals Could Enter Market Sooner Under Plan Eyed by EPA

By Pat Rizzuto | July 17, 2018 11:14AM ET | BLW

Photographer: Justin Sullivan/Getty Images
Environmental Protection Agency headquarters in Washington.

Chemical makers, such as DowDupont and the BASF Corp., may be able to bring products to market faster under a strategy the EPA is considering that would ease restrictions on new substances.

Political appointees in the EPA's chemicals office are directing agency staff to limit rules and other restrictions they place on new chemicals.

Career staff also are being directed to increase the number of new chemicals deemed safe enough to reach the marketplace quickly, according to information obtained by Bloomberg Environment.

The EPA didn't reply to questions Bloomberg Environment posed about the new strategy.

The latest strategy would be good news to chemical manufacturers who have complained over the last two years that EPA delays in approving new compounds are threatening the innovations that enable beneficial new technologies and products.

The EPA's new approach would further erode the Toxic Substances Control Act (TSCA) amendments of 2016 that sought to improve public and environmental health protection, environmental health advocates told Bloomberg Environment.

Speedier Approvals

Chemical manufacturers or importers that want to bring new products to market first must seek the EPA's approval by filing what are called premanufacture notices, or PMNs.

Under the original and amended chemicals law, the agency has 90 days to complete its review of the notices, but has the option of a one-time 90-day extension. Yet dozens of notices have been under review since the amended TSCA became law June 22, 2016, according to information from the EPA's new chemicals website.

"It's not uncommon for it to take more than 400 days," Michael P. Walls, vice president of regulatory and technical affairs at the American Chemistry Council, told Bloomberg Environment in a recent interview.

Limit Controls

The agency has tried several strategies since the 2016 TSCA overhaul to reduce the time it takes to review premanufacture notices. The latest calls for narrowing the number of ways EPA analysts think a chemical could be used, according to the information obtained by Bloomberg Environment.

Narrowing what TSCA calls "reasonably foreseen" uses would increase the chance that the agency would conclude a chemical is "not likely to present an unreasonable risk." The "not likely" finding is the safest conclusion the EPA can reach for new chemicals.

Chemicals deemed not likely to present an unreasonable risk can enter commerce without EPA limits on the ways they can be used.

The agency's new strategy also would involve limiting use of regulations or other restrictions intended to control potential risks of a new chemical. Such

restrictions, called consent orders and significant new use rules, limit a new chemical's uptake in the market, Kathleen M. Roberts told Bloomberg Environment. She co-manages the TSCA New Chemicals Coalition, a group of manufacturers.

The new chemical may be safer than another that's on the market already without regulatory controls, but customers perceive it as riskier because of the significant new use rules, she said.

Chemical manufacturers also would no longer have to provide toxicity, environmental fate, or other data using specific pre-approved tests, according to a third part of the EPA's new strategy. Instead the agency would describe the types of information it would like to have.

The goal is to encourage companies to use new types of chemical tests instead of traditional strategies that expose laboratory animals to chemicals. New methods include automated high throughput tests, computer-based models, and cells that predict chemical toxicity or exposure.

Political appointees and career staff are discussing whether the new strategy should be written down, according to the information obtained by Bloomberg Environment.

Initial Reaction

The new approach has public health advocates worried.

The EPA has strayed farther and farther from TSCA's new chemical requirements under the Trump administration, Richard Denison, lead senior scientist at the Environmental Defense Fund, told Bloomberg Environment.

The amended chemicals law clearly distinguished between a company's intended uses for a new chemical and those that are known or could be reasonably foreseen once the chemical enters U.S. commerce, he said.

"Congress required EPA to assess all three types of uses together and issue orders imposing conditions necessary and sufficient to mitigate any risks from all three," Denison said.

He called the EPA's plan illegal and said it would threaten public health.

"Companies should think twice before supporting this illegal approach, which will call into question the actual safety of their new chemicals and put their investments at risk," he said.

The EPA is ordering its employees to circumvent the law and reduce oversight of new chemicals that could be just as dangerous to public health as those for which

they substitute, Daniel Rosenberg, an attorney with Natural Resources Defense Council, told Bloomberg Environment.

“Congress and the courts will need to get to the bottom of this “ said Rosenberg, whose organization already is suing the EPA over the new chemicals framework it issued last November.

—With assistance from Dean Scott.

To contact the reporter on this story: Pat Rizzuto in Washington at prizzuto@bloombergenvironment.com

To contact the editor responsible for this story: Rachael Daigle at rdaigle@bloombergenvironment.com

TSCA News Alert

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Message

From: Brian Wynne Ex. (b)(6)
Sent: 7/12/2018 1:04:59 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: Wynne/Hartley Family Status. Final Rule Methylene Chloride

Hello Ryan,

We met 2 months ago while discussing my brother Drew Wynne and Methylene Chloride. I am writing to request an update on the status of the Final Rule associated with "limited use" of Methylene Chloride. I have been told that we are very close to having the rule submitted to OMB. For my mothers sake, I hope this happens sooner rather than later. We will be returning to DC the last weekend of July. This would be a great opportunity for you all to finalize the rule and for acting administrator Wheeler to start off his term on a very positive note. As you know there is a lot of media attention surrounding our situation, if this get's done we would love to share the positive story with members of the press and show the world that true compromise in Washington is possible. Please provide an update when you have a moment.

Thank you!

Brian Wynne
Ex. (b)(6)

Message

From: Route Fifty [events@e.routefifty.com]
Sent: 7/9/2018 11:10:30 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Last chance to register...

Tuesday, July 10
8:00 - 11:15 a.m.
Top of the Hill, Washington, DC

Secure your spot

Join *Route Fifty*, the digital news publication covering policy and best practices in government, for a discussion about the dynamic between federal, state, and local governments in developing and implementing energy policies that will drive economic growth and reduce emissions for the future.

Don't miss the opportunity to hear from the following speakers during this special policy briefing:

- **Mayor James Brainard**, City of Carmel, Indiana
- **Julie Cerqueira**, Executive Director, US Climate Alliance
- **Benjamin Grumbles**, Secretary of the Environment, State of Maryland and Chair, Regional Greenhouse Gas Initiative
- **Nancy Kruger**, Deputy Director, National Association of Clean Air Agencies
- **Cooper Martin**, Program Director, Sustainable Cities Institute, National League of Cities
- **David Paylor**, Director, Virginia Department of Environmental Quality
- **Bob Perciasepe**, President, Center for Climate and Energy Solutions
- **Stephen Walz**, Director of Environmental Programs, Metropolitan Council of Governments

- **Vicki Arroyo**, Executive Director, Georgetown Climate Center, Georgetown Law

This is a can't miss event for anyone interested in the future of vehicle emissions standards, U.S. climate commitments, or the policy relationship between federal, state and local governments.

Speakers:

Vicki Arroyo
Executive Director, Georgetown Climate Center, Georgetown Law

Mayor James Brainard
City of Carmel, Indiana

Julie Cerqueira
Executive Director, US Climate Alliance

Benjamin Grumbles
Secretary of the Environment, State of Maryland

Mitch Herckis
Senior Editor and Director of Strategic Initiatives, *Route Fifty*

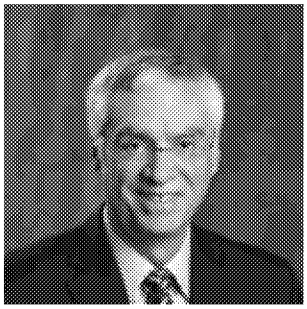
Laurie Holmes
Senior Director, Environmental Policy, Motor & Equipment Manufacturers Association

Nancy Kruger
Deputy Director, National Association of Clean Air Agencies

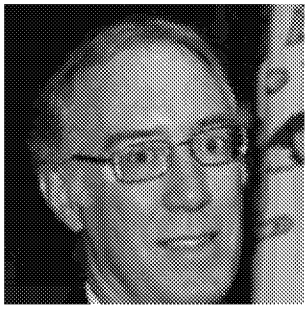
Carol Lee Rawn
Director, Transportation Program, Ceres

Cooper Martin
Program Director, Sustainable Cities Institute, National League of Cities

David Paylor
Director, Virginia Department of Environmental Quality



Bob Perciasepe
President, Center for Climate and Energy Solutions



Stephen Walz
Director of Environmental Programs, Metropolitan Council of Governments

Register today

Government Executive Media Group
600 New Hampshire Ave NW, Washington DC 20037
Have a question? Contact us

This email was sent to jackson.ryan@epa.gov from Government Executive Media Group.
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Message

From: Lyons, Troy [lyons.troy@epa.gov]
Sent: 7/10/2018 11:59:24 PM
To: Seigle, Leah (Whitehouse) [leahseigle@whitehouse.senate.gov]
CC: Gaeta, Joe (Whitehouse) [Joe_Gaeta@whitehouse.senate.gov]; Dudis, Dan (Whitehouse) [Dan_Dudis@whitehouse.senate.gov]; Palich, Christian [palich.christian@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Re: Meeting request

Joe, I was starting to think you forgot about me!! We too want their relationship to start off as best as possible

Many thanks, Leah. Please let me know some times that would work for Senator Whitehouse to visit at EPA. As you can imagine, his schedule is hectic right now.

Sent from my iPhone

On Jul 10, 2018, at 6:46 PM, Seigle, Leah (Whitehouse) <leahseigle@whitehouse.senate.gov> wrote:

> Hi Troy,
> Senator Whitehouse would be more than happy to come over to EPA to meet w/ the Acting Administrator. Do you want to suggest some times that work for Mr. Wheeler, or should I send you some times that work for the Senator?
>
> Thanks,
> Leah
>
> Leah Seigle
> Director of Scheduling
> Office of Senator Sheldon Whitehouse
> 530 Hart Senate Office Building
> Washington, DC 20510
> Direct: (202) 228-6661
> Fax: (202) 228-6459
>
> Connect with Sheldon Online:
> www.whitehouse.senate.gov
> <image001.png> <image002.png> <image003.png> <image004.jpg> <image005.jpg>

> **From:** Gaeta, Joe (Whitehouse)
> **Sent:** Tuesday, July 10, 2018 6:28 PM
> **To:** Lyons, Troy <lyons.troy@epa.gov>
> **Cc:** Dudis, Dan (Whitehouse) <Dan_Dudis@whitehouse.senate.gov>; Seigle, Leah (Whitehouse) <leahseigle@whitehouse.senate.gov>
> **Subject:** Meeting request
>
> Troy,
>
> I trust you are doing well. Senator Whitehouse would like to find some time to meet with Acting Administrator Wheeler. He would appreciate the opportunity to get their relationship off to as good a

start as possible in light of all that has transpired over the last year. I've copied his scheduler Leah Seigle on this email.

Doing my best to be a master of understatement,

Joe

Message

From: Green Guy Media [talkwithgreenguy=gmail.com@mail68.wdc01.mcdlv.net]
on behalf of Green Guy Media [talkwithgreenguy@gmail.com]
Sent: 6/20/2018 1:51:37 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: ♻ Green Guy Media Newsletter John Lanier,Ray C. Anderson Foundation

♻ Green Guy Media Newsletter John Lanier,Ray C. Anderson Foundation

Your 1# source for interviews and news in the Environmental and Sustainability Community
Volume 74 - June 20,2018

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Talk with Green Guy Show! Sunday, June 24th, 9-10am EST.

Ray C. Anderson Foundation,**Executive Director,John Lanier co-host this week in the studio and joins us for a conversation about the many sustainable global initiatives the Foundation supports that include biomimicry design,solar,transportation infrastructure and their unwavering commitment to Climate**

Green Guy broadcasts live every Sunday, **9 -10 am,EST:**

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Coming Events

Green Guy Media EcoEvent of the Week:
June 22nd, Southface Summer Soltice
Southface Celebrates 40 Years
bit.ly/2I2YU0g

June 20th, City of Orlando
Employee Sustainability Lunch & Learn
bit.ly/2taTGex

June 20th, New Carbon Economy Corporate Roundtable
bit.ly/2K2k9o5

June 21st, Sustainability Impact Investing
bit.ly/2JZfW4P

June 23rd, Sustainable Household Products Workshop
bit.ly/2ylHlsS

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Message

From: Roger Jeannotte [rjeannotte@politico.com]
Sent: 7/6/2018 1:13:42 PM
To: Grantham, Nancy [Grantham.Nancy@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: politico pro

Hi Nancy, happy assist.

Ryan, I sent you your login credentials on Tuesday afternoon. Please let me know I they do not work and I'd be happy to reset your password. So save you from searching through your inbox, please see your login info below:

Ex. (b)(6)

Additionally, to save yourself from re-entering your login information each time you click into a story, you will need to click the "keep me logged in" button on the login page.

Please let me know if you are experiencing any further issues!

All the best,
Roger

Roger Jeannotte| Account Management Associate | POLITICOPRO
1000 Wilson Boulevard, 8th Floor | Arlington, VA 22209
Ex. (b)(6)
Email: rjeannotte@politico.com | Website: www.POLITICOPro.com

---

From: Grantham, Nancy [mailto:Grantham.Nancy@epa.gov]
Sent: Thursday, July 5, 2018 11:36 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Roger Jeannotte <rjeannotte@politico.com>
Subject: RE: politico pro

Roger,

Can you address Ryan's issue below?

Thanks ng

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
Ex. (b)(6)

From: Jackson, Ryan
Sent: Tuesday, July 03, 2018 11:07 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE:

Well, I just need the password and username. I always get blocked out. Not automatic for stories to pull up.

From: Grantham, Nancy
Sent: Tuesday, July 3, 2018 10:21 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE:

Yes .. and you are on the subscriber list – do you need me to get your password reset? Thanks ng

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
Ex. (b)(6)

From: Jackson, Ryan
Sent: Tuesday, July 03, 2018 10:15 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject:

Do we have a subscription to Politico Pro?

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency
Ex. (b)(6)

Message

From: Max Welch Ex. (b)(6)
Sent: 7/5/2018 8:11:19 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: resignation

This is the best thing to happen to the country since 2016.

I guess your life is easier now.

Corruption away!

Message

From: Hayden, Lou - Luciano [lou.hayden@lowes.com]
Sent: 7/5/2018 1:46:16 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: cheers

Hi Ryan – I hope you are staying cool and you didn't lose any fingers to fireworks yesterday. No hot agenda items, just checking in to see how you are holding up. I'm business casual today because of recess and the heat index.

Let me know if you are able to catch up in the next few weeks.

Lou Hayden
Head of Washington, DC Office
Lowe's Companies
300 New Jersey Avenue NW, Ste. 900
Washington, DC 20001
Ex. (b)(6)

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Message

From: Amy Harder [amy@axios.com]
Sent: 6/25/2018 9:29:33 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Why climate change is the easiest news to fake

Why climate change is the easiest news to fake

Good morning,

View this email in your browser

My latest column, linked here and copied below: http://axios.link/Mkmj

ICYMI our coverage from last week:
Axios deep dive on climate change
Energy companies fund new carbon tax push
House climate caucus grows
America's oil boom & gas prices: It's complicated

COLUMN / HARDER LINE

Why climate change is the easiest news to fake

Climate change is intangible and complicated, which makes it an easy target for our era of fake news.

Why it matters: Addressing climate change, whether through government or private action, requires acknowledging a problem exists. Misinformation about the science, including inaccurate statements and articles, make that harder. Concern about climate change has dropped over the past year among Republicans and independents, according to Gallup polling released in March.

Fake news and inaccurate climate information have been around for a long time, long before Donald Trump became president. But Trump's election has enabled misinformation to spread by elevating leaders in politics and elsewhere who don't acknowledge the scientific consensus on climate change.

We've seen this play out across different forums: media articles, congressional hearings and public speeches.

- Republican lawmakers said at a hearing in May that rocks tumbling into the ocean were causing sea levels to rise, not warmer temperatures fueled by human activity.
- *The Wall Street Journal* has run opinion pieces that question mainstream climate science consensus. Some raise important points, but others are deeply inaccurate, such as this one in May that said sea level is rising but not because of climate change.
- Trump, EPA Administrator Scott Pruitt and others in the administration have repeatedly raised doubtsthat humans have an impact on climate change.

When Trump said his inauguration crowd size was the largest ever, it was easy to show a photo disproving his false claim. When Trump blamed Democrats for last week's immigration crisis, it was relatively easy to show how his own policies led directly to family separations.

With climate change, there's nothing simple about the subject — so it's harder to cut through the barrage of misinformation.

I've been covering this issue for nearly a decade, and I still haven't learned the science enough to know quickly and confidently the science behind *why* a certain piece of information — such as that sea level rise op-ed in the *Journal* — is wrong, even when I know it doesn't sound right. I seek out scientists and other reputable experts to help distill it.

"There isn't necessarily a good intuitive comparison like 'the crowd in this photo looks a lot bigger than the crowd in this one.' Even if you are looking at lines on a chart, you are comparing abstractions of real phenomena like temperature change."
— Joseph Majkut, climate science expert at the Niskanen Center, a libertarian think tank

Climate change isn't simple because it's inherently uncertain, just like all science — and it's best to acknowledge that uncertainty. Some media articles, environmental activists and progressive politicians often over-simplify, downplay or dismiss altogether any uncertainty. That fuels the polarization on this topic.

The most important thing to know is that the overwhelming majority of scientists say human activity is driving Earth's temperature up, according to Ed Maibach, an expert on climate-change communication at George Mason University.

Yet, just 15% of the public understands that more than 90% of scientists have reached that conclusion, according to a survey this spring by George Mason and Yale University. Nearly half underestimates the scientific consensus.

"It takes a lot of effort to dive in and learn the details about something, and we will do that when we are highly motivated to learn something," said Anthony Leiserowitz, Yale University professor who studies public perceptions of climate. "Most people aren't willing to devote an enormous amount of brain energy to thinking about climate change."

Changing this trend takes time and new leadership — which isn't happening in big enough numbers to shift public debate.

Climate Feedback is a voluntary initiative of well-known and respected scientists reviewing climate change articles for accuracy, whose first work came in 2015.

- Among the articles reviewed: *The Wall Street Journal* op-ed on rising sea levels, which was described as "grossly" misleading to readers; and, on the other side, a highly cited *New York Magazine* article that the reviewing scientists said exaggerated how bad climate change could get.
- The number of people who read the reviews of those articles are undoubtedly a fraction compared to those who read the original pieces.

People take cues from leaders, such as *The Wall Street Journal* editorial page and Trump administration officials.

- Until or unless people in those positions either leave or change opinions, it could be difficult to change the masses.
- Earlier this month, we saw one leadership change. New NASA Administrator Jim Bridenstine, who doubted the scientific consensus on climate change when he was in Congress, said reviewing the science convinced him to change positions.
- Bridenstine's views are important from a substantive perspective — NASA is one of the top agencies that monitors the planet's climate. But he's not well known enough to change a lot of people's minds.

One non-science thing that could change the debate, in the view of a new bipartisan group, is convincing people to acknowledge the problem without getting stuck debating how serious it is.

Last week, a political group funded by energy companies and supported by a bipartisan pair of former congressional leaders launched a campaign to push for a carbon tax.

One of those leaders lobbying in support, former Republican Senate Majority Leader Trent Lott of Mississippi, said he remains skeptical of what he says are some scientists' political motives — but that won't be his focus.

"I'm not going to debate liberals and Democrats about the icebergs melting. I'm not going to argue how imminent a threat this is. I'm just going to say: 'It is a problem. This is one way to address it. Let's talk about it.' "
— Former Sen. Trent Lott (R.-Miss.)

Good morning all,

Check out my latest column on TK here, and it's copied below.

Cheers,

Amy

Amy
energy reporter, Axios

Ex. (b)(6)

@AmyAHarder

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Axios · 3100 Clarendon Blvd. · Arlington, VA 22201 · USA

Message

From: Zack Colman [zcolman@eenews.net]
Sent: 7/7/2018 2:49:01 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: for what it's worth

Don't want you to be caught off guard but there's mention made of the SDWA pay raise issue and your alleged involvement in this story I'm writing. If you want to chat, can get me at Ex. (b)(6)

Sent from my iPhone

On Jul 3, 2018, at 10:15 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

> The Korean bbq sandwich is really good. It's kind of expensive.
>
> ---
>
> **From:** Zack Colman [mailto:zcolman@eenews.net]
> **Sent:** Tuesday, July 3, 2018 9:55 AM
> **To:** Jackson, Ryan <jackson.ryan@epa.gov>
> **Subject:** for what it's worth
>
> I think Teaism is a solid spot.
>
> --
> Zack Colman
> E&E News
> White House correspondent
> Ex. (b)(6)
> twitter: @zcolman

Message

From: Britton Clarke [brittonclarke@clarke.consulting]
Sent: 6/27/2018 12:50:13 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Amanda Roberts [amandaroberts@clarke.consulting]
Subject: FW: Meeting request
Attachments: White Paper -- EPA.DOCX

Ryan, Good morning. The President of Ambassador Bridge, Dan Stamper, will be in DC on Aug. 12th to meet with Peter Navarro at 3pm.

Please, any chance we can meet with you on Aug. 12th while my client is in DC? I look forward to hearing from you and thank you for considering. Britton

From: Britton Clarke <brittonclarke@clarke.consulting>
Date: June 25, 2018 at 10:12:47 AM EDT
To: "jackson.ryan@epa.gov" <jackson.ryan@epa.gov>
Cc: "Amanda Roberts (amandaroberts@clarke.consulting)" <amandaroberts@clarke.consulting>
Subject: Meeting request

Ryan, Good morning. Hope all remains great with you!

I am writing in hopes to schedule a brief meeting with you for my client, Ambassador Bridge. In short, Ammex operates a duty-free store in Detroit at the foot of the Ambassador Bridge connecting Detroit and Ontario. In addition to other goods, Ammex sells gasoline. All of the gasoline sold by Ammex is imported. The gasoline is "under bond" and under CBP supervision from the time that it enters the U.S. until it is exported by Ammex customers to Canada. Thus, the gasoline never enters the commerce of the U.S. and remains in the stream of export commerce from inception. By law, Ammex must sell this gasoline for export to and use in a foreign country.

Ammex has provided the court with EPA's long-standing explanation that gasoline sold for export is not subject to the federal RVP standards. **The court has expressed a desire for clarification from EPA as to whether EPA considers the gasoline sold by Ammex for export to, and use in, Canada to be subject to the RVP standard contained in the MFQA. Please see attached whitepaper for further details.**

May we please schedule a meeting with you to discuss the issue further? Thank you for considering. Look forward to hearing from you. Britton

Britton Clarke
Ex. (b)(6)

Ammex, Inc. – Sale of Gasoline for Export to Canada

Ammex, Inc. (Ammex) operates a "Class 9 Customs Bonded Warehouse" (duty-free store) in Detroit at the foot of the Ambassador Bridge connecting Detroit and Ontario, Canada (currently the only bridge between Detroit and Canada, it is privately owned by an Ammex affiliate). The Ammex facility is comprehensively regulated by U.S. Customs and Border Patrol (CBP).

In addition to other goods, Ammex sells gasoline. All of the gasoline sold by Ammex is imported. The gasoline is "under bond" and under CBP supervision from the time that it enters the U.S. until it is exported by Ammex customers to Canada. Thus, the gasoline never enters the commerce of the U.S. and remains in the stream of export commerce from inception. By law, Ammex must sell this gasoline for export to and use in a foreign country. The gasoline sold by Ammex is dispensed into its customers' vehicles beyond the CBP "exit point," meaning that Ammex's customers, after filling their vehicles' tanks, have no choice but to immediately proceed onto the Ambassador Bridge and enter Canada.

In 2006, Michigan submitted a Clean Air Act (CAA) State Implementation Plan (SIP) revision to EPA in which it proposed to attain the CAA ozone standard by adopting a state law limiting (to 7.0 psi) the Reid Vapor Pressure (RVP) of gasoline sold during the summer months in seven Michigan counties (one of which includes Detroit). EPA approved the SIP revision in 2007.

Between 2007 and 2012, Michigan made no claim that its summer gasoline law, the Motor Fuels Quality Act (MFQA), applied to Ammex. But in 2012, Michigan ordered Ammex to stop selling summer gasoline with a RVP higher than 7.0 psi, and assessed a substantial penalty against Ammex. (That same year, a major new public bridge project being jointly proposed by Michigan and Canada advanced forward with the establishment of the Windsor-Detroit Bridge Authority; the project was approved by the Obama Administration in April 2013. This new bridge will directly complete with the private Ambassador Bridge.) Ammex disputed the applicability of the MFQA, given that the gasoline sold by Ammex is sold for export to Canada, but settled the dispute in order to remain open, agreeing to sell 7.0 psi gasoline for three years.

In 2016, Ammex renewed discussions with Michigan regulators, explaining why the MFQA does not apply to the Ammex facility. Michigan continued to assert that gasoline sold by Ammex for use in Canada is subject to the MFQA because that state law is part of Michigan's SIP. Michigan claimed that EPA could sanction Michigan if the state does not enforce the MFQA against Ammex. The dispute could not be amicably resolved.

In March, 2018, Ammex commenced an action in the U.S. District Court for the Eastern District of Michigan, seeking a declaratory judgment that the MFQA does not apply to Ammex. Michigan has argued to the court that the CAA requires that the gasoline being exported to Canada meet the 7.0 psi RVP standard.

Ammex has provided the court with EPA's long-standing explanation that gasoline sold for export is not subject to the federal RVP standards (54 FR 11871 (1989)). The court has expressed a desire for clarification from EPA as to whether EPA considers the gasoline sold by Ammex for export to, and use in, Canada to be subject to the RVP standard contained in the MFQA.

Message

From: Peter Wright Ex. (b)(6)
Sent: 6/15/2018 9:21:03 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Lyons, Troy [lyons.troy@epa.gov]; Palich, Christian [palich.christian@epa.gov]
Subject: Re: in anticipation of Peter Wright's confirmation hearing

Ryan

I will review in the morning.

Thank you for today's session. It was very helpful. Christian, Tony and the others in the office are providing outstanding support.

Peter

Sent from my iPhone

On Jun 15, 2018, at 4:59 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Ex. 5 - Deliberative Process

Ryan.

From: Fugh, Justina
Sent: Friday, June 15, 2018 4:08 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: in anticipation of Peter Wright's confirmation hearing

Hi there,
Last week, you asked me to prepare a draft recusal statement for Peter Wright in anticipation of his upcoming confirmation hearing. I spoke to Mr. Wright today and learned that he will be meeting with OCIR and others on Monday and Tuesday of next week. Since I may not be in the office on Monday, I am sending you all this material just to get you started. OSRE does not anticipate that its lists (sent to me in February) have any updates, but they are double-checking to be sure. I'll have a final answer on Monday.

Allow me to decode what I'm sending you:

- Mr. Wright owns DowDuPont stock that he has agreed to divest. But the Office of Government Ethics (OGE) and EPA Ethics have advised him not to sell the stock until *after* he is an EPA employee. Once that happens, EPA Ethics can seek a certificate of divestiture (CD) from OGE so that he can defer any capital gains. But we can't seek a CD until he starts as an EPA employee.
- Consequently, I have written two recusals. The first can be issued as soon as he joins EPA (in whatever capacity) and reflects his financial ownership. The second is what he can issue after he sells the stock under the CD.
- I have also attached OSRE's lists of DowDuPont superfund sites. The first is all of the NPL sites, organized by Region. The first two letters of the EPA ID are the state where the site is located, and F = listed on the NPL while P = proposed. The second chart is a list of non-NPL or deleted sites.

Finally, Mr. Wright asked for assistance in drafting an answer to whether he would be permitted to work on registering PFAS as a hazardous chemical. I'll ask my staff to work with me on framing an answer for next week. In the meantime, he wonders if I can meet with him on Tuesday, so I'll send a note to Christian to see if he can help me with that.

Happy Friday!
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

<Peter Wright draft recusal before stock sale v2.docx>

<Peter Wright draft recusal after stock sale v2.docx>

<Dow Dupont NPL sites with Listing Date - as of 2_20_2018.xlsx>

<Dow Dupont non NPL or deleted sites - as of 2_20_2018.xlsx>

Message

From: Matthew Buckham Ex. (b)(6)
Sent: 6/13/2018 4:54:00 PM
CC: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: Job fair
Attachments: Job Fair June 15.pdf

Hi Ryan - We are glad EPA can join us for this event.

CPI will provide a table and sign for EPA to help guide job seekers to your area of the room during the event. We need you and other members of your team to join us to meet the job seekers.

We encourage you to bring any informational resources that will help job seekers understand what it's like to work for you. Examples may include a brief flyer on your priorities, experience and education levels you desire in candidates, a breakdown of the organizational structure, job descriptions/types of available positions, and/or any contact information you are comfortable distributing broadly.

Below are the details of the event. Please plan on arriving no later than 1:45pm so we can have everyone ready when we open doors at 2pm. Let me know if you have any additional questions.

Details
June 15, 2-5pm
Senate Hearing Room G-50
Dirksen Senate Office Building, Washington D.C.

Regards,
Matt

On Wed, Jun 13, 2018 at 11:54 AM, Edward Corrigan Ex. (b)(6) wrote:

> Ryan, Matt Buckham will send you the details of the job fair. It's Friday at 2 in g50 Dirksen. Would love to have you guys there.

EXECUTIVE BRANCH JOB FAIR

June 15, 2018 2:00-5:00 p.m.
Senate Hearing Room G-50
Dirksen Senate Office Building

REGISTER NOW AT:
www.ConservativePartnership.org/JobFair

Interested in a career at the White House, Defense, Interior, Commerce, Homeland Security, Health & Human Services, NASA, Energy, Treasury, or other executive agencies?

CPI seeks to get the best, most qualified conservatives in front of the administration and we need your help to do so. There are positions currently open and we are looking for the most competent conservatives to recommend.

CPI

CONSERVATIVE PARTNERSHIP INSTITUTE

Contact: Matt Buckham
Ex. (b)(6)
mbuckham@conservativepartnership.org

Message

From: Amy Harder [amy@axios.com]
Sent: 7/9/2018 8:59:40 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Fact-checking my energy crystal ball

Fact-checking my energy crystal ball

View this email in your browser

http://axios.link/todV

ICYMI last week: What will (and won't) change at EPA with Scott Pruitt gone

COLUMN / HARDER LINE

Fact-checking my energy crystal ball

In early January I laid out eight energy and climate issues to watch this year. Here's my rejiggered crystal ball — and a fact check for how my predictions are playing out.

1. Regulatory rollbacks

The pace of President Trump's regulatory rollbacks at the Environmental Protection Agency is slower than I had predicted in January, though this summer is gearing up to be a busy one.

Distracted by his self-created controversies that were largely unexpected in their own right, former Administrator Scott Pruitt wasn't as efficient at repealing regulations as many of his backers would have liked. With him out and EPA's former No. 2, Andrew Wheeler, leading the agency, insiders say things should move more smoothly.

- The EPA is expected to propose rules this summer replacing three of the biggest Obama-era regulations Trump vowed to repeal. These rules affect a wide swath of America's economy and environment: coal power plants, fuel economy of cars, and waterways.
- Uncertainty persists over other rules, particularly EPA's attempt to roll back an Obama-era rule cutting emissions of methane, a potent greenhouse gas that's the primary component of natural gas.

"I've given up on even paying attention to that," said Myron Ebell, a senior expert at the conservative Competitive Enterprise Institute and former transition Trump transition official. "I'll just be grateful if anything comes out."

2. Trade

I predicted the rubber would meet the road, and it sure has.

- Trump imposed tariffs on solar panels in late January, which are reportedly leading to billions of dollars in shelved U.S. projects.
- The oil and natural gas industry, dependent upon steel-made pipelines, is grappling with Trump's tariffs on steel, while China has included energy commodities on its retaliatory list responding to Trump's aggressive action there.

These battles are playing out against a broader trade landscape fraught with uncertainty, with Trump railing against the World Trade Organization and vowing not to sign any renegotiated North American Free Trade Agreement until at least after the midterm elections.

3. Electricity market battles

This fight is meeting my expectations, despite no official action from the Trump administration.

A government document leaked a few weeks ago shows an Energy Department proposal invoking a pair of decades-old laws to force sweeping changes in America's electricity markets.

That unprecedented proposal comes after the Federal Energy Regulatory Commission, an independent agency, rejected early this year the department's request to issue rules compensating coal and nuclear coal plants.

4. Paris and Kigali climate accords

I predicted we'd see words move to action on these two climate-related global accords the Obama administration agreed to. I've been more right on Kigali than Paris.

Trump remains committed to withdrawing from the Paris climate deal. But companies, some Senate Republicans and even a few conservative groups are urging Trump to back the Kigali amendment.

This policy is connected to the Montreal Protocol, a treaty protecting the Earth's ozone layer. The amendment phases down hydrofluorocarbons (HFCs), which are potent greenhouse gases in appliances like air conditioners.

The administration would need to send the amendment to the Senate for a ratification vote to ensure U.S. participation. The amendment goes into force in January for nations that have officially ratified it.

5. Carbon tax

The tectonic plates I predicted would be shifting here are moving — slowly and subtly.

Some energy firms have launched a new political lobbying campaign backing a carbon tax. Expect conservative groups supportive of the policy, like Alliance for Market Solutions, to become more vocal this summer.

One sign that support is building is the growing reaction from the opponents.

6. Transportation fuels

I predicted a battle for America's mostly stagnant transportation fuel mix would unfold this year, and it is — but it's mostly a fight between ethanol and oil.

- Trump officials are caught between the president's allies in the ethanol and oil industries. Both sides are jockeying over potential changes to the nation's biofuels mandate.
- The policy requires refineries to blend increasingly large amount of biofuels — mostly corn-made ethanol — with gasoline.
- Nearly every gallon of gasoline has 10% ethanol, though that has plateaued in recent years.

Despite all the talk of possible changes over the past six months, any substantive overhaul of the program, either within the administration or Congress, is unlikely to happen until 2022. That's when congressionally mandated numeric quotas end, creating urgency for policy change.

7. Oil prices

I was pretty spot-on with my prediction oil prices would trend upward, with gasoline prices rising accordingly.

In response to global oil prices nearing $80 a barrel, the Organization of Petroleum Exporting Countries and Russia agreed last month to boost production to stabilize the market.

One lingering question is whether oil companies are boosting their investments enough to avoid a supply crunch — and much higher prices — in a few years, which the International Energy Agency has warned about.

"Investment is picking up, but not as much as it is needed," its executive director, Fatih Birol, told me late last month.

8. Saudi Aramco IPO

I was mostly wrong about this being a 2018 issue. News broke in March that Saudi Aramco, the state-owned oil giant in Saudi Arabia, was delaying its IPO initially planned for this year. And just last week, the WSJ reported it may not happen at all.

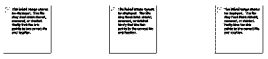
The reason behind the IPO remains important in its own right: The whole purpose of it is to diversify Saudi Arabia's oil-dependent economy away from being too dependent upon oil.

That mindset is emblematic of a larger trend among the world's biggest oil companies that we're seeing more and more this year.

Cheers,

Amy

Amy
energy reporter, Axios
Ex. (b)(6)
@AmyAHarder



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Message

From: Robin Bravender [rbravender@eenews.net]
Sent: 6/25/2018 1:06:44 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: Sierra Club FOIAs

Sorry, I meant details about what you're working on with EDF.

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: Sunday, June 24, 2018 9:06 PM
To: Robin Bravender
Subject: Re: Sierra Club FOIAs

I'm not sure what more to add.

Ryan Jackson
Chief of Staff
U.S. EPA
Ex. (b)(6)

On Jun 24, 2018, at 9:05 PM, Robin Bravender <rbravender@eenews.net> wrote:

> Thank you. If you care to elaborate, I'd be happy to include more details in my story. But I don't mean to keep pestering you. I really appreciate the help.
>
> ---
>
> **From:** Jackson, Ryan [jackson.ryan@epa.gov]
> **Sent:** Sunday, June 24, 2018 9:04 PM
> **To:** Robin Bravender
> **Subject:** Re: Sierra Club FOIAs
>
> Yes, but we'll work together on other matters and already are.
>
> Ryan Jackson
> Chief of Staff
> U.S. EPA
> Ex. (b)(6)
>
> On Jun 24, 2018, at 9:02 PM, Robin Bravender <rbravender@eenews.net> wrote:

Thanks, Ryan. Were you disappointed that EDF declined your overture for them to have a relationship with the administrator?

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: Sunday, June 24, 2018 9:00 PM
To: Robin Bravender
Subject: Re: Sierra Club FOIAs

Well, I really value my relationships with Richard and Joanna. I know they don't agree with me all the time, but just because we don't agree today doesn't mean we can't work together tomorrow.

Ryan Jackson
Chief of Staff
U.S. EPA
Ex. (b)(6)

On Jun 24, 2018, at 8:22 PM, Robin Bravender <rbravender@eenews.net> wrote:

> Thanks a lot, Ryan! Were also planning to include a few emails where you reached out to Richard Denison and Joanna Slaney at EDF to set up coffee to try to establish a relationship and to ask EDF not to leave the Science Advisory Board.
>
> EDF said they decided not to engage with Administrator Pruitt. Any chance you'd be willing to comment on that? Or feel free to give me a call at Ex. (b)(6)
>
> I apologize for the barrage of late emails.
>
> Best,
>
> Robin
>
> ---
>
> **From:** Jackson, Ryan [jackson.ryan@epa.gov]
> **Sent:** Sunday, June 24, 2018 7:31 PM
> **To:** Robin Bravender
> **Subject:** Re: Sierra Club FOIAs
>
> Pruitt has spoken with a number of previous EPA leaders including Administrator Johnson. I'm not familiar with the conversation beyond that and I'm not familiar with that reference.

Ryan Jackson
Chief of Staff
U.S. EPA
Ex. (b)(6)

On Jun 24, 2018, at 4:11 PM, Robin Bravender <rbravender@eenews.net> wrote:

> Hi Ryan,
>
> Apologies for the late email, but we're writing about this new batch of Sierra Club FOIAs for tomorrow. It looks like you planned to set up a call with Administrator Stephen Johnson, who offered to tell Administrator Pruitt where the "warts" in the agency were.
>
> Can you tell us whether that call ever took place and if so, what was discussed? My deadline is tonight -- we'll publish tomorrow around 7:30 a.m.
>
> Thanks very much.
>
> Robin Bravender
> Ex. (b)(6)

Message

From: dfeder [dfeder@cfl.rr.com]
Sent: 3/20/2019 6:21:35 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: EPA CBAs

Sounds good. Looking forward to our conversation. Dave

Sent from my Verizon Wireless 4G LTE smartphone

-------- Original message --------
From: "Jackson, Ryan" <jackson.ryan@epa.gov>
Date: 03/20/2019 1:39 PM (GMT-05:00)
To: "Dickerson, Aaron" <dickerson.aaron@epa.gov>
Cc: dfeder <dfeder@cfl.rr.com>
Subject: Re: EPA CBAs

David, I specifically wanted to review the model CBA provisions with you too.

Ryan Jackson
Chief of Staff
U.S. EPA
Ex. (b)(6)

On Mar 19, 2019, at 1:33 PM, Dickerson, Aaron <dickerson.aaron@epa.gov> wrote:

> Great. Ryan will give you a call. Thank you.
>
> **From:** dfeder <dfeder@cfl.rr.com>
> **Sent:** Tuesday, March 19, 2019 1:26 PM
> **To:** Dickerson, Aaron <dickerson.aaron@epa.gov>
> **Subject:** RE: EPA CBAs
>
> Thursday at 11:00 am is good. Let me know if I call in or if you call me at Ex. (b)(6) Thanks.
>
> Dave
>
> Sent from my Verizon Wireless 4G LTE smartphone

-------- Original message --------
From: "Dickerson, Aaron" <dickerson.aaron@epa.gov>
Date: 03/19/2019 12:49 PM (GMT-05:00)
To: "Jackson, Ryan" <jackson.ryan@epa.gov>, David Feder <dfeder@cfl.rr.com>
Subject: RE: EPA CBAs

Good afternoon Dave

Would you be available on Thursday, March 21 at 11:00am for a call with Ryan?

-----Original Message-----
From: Jackson, Ryan
Sent: Friday, March 15, 2019 5:38 PM
To: David Feder <dfeder@cfl.rr.com>
Cc: Dickerson, Aaron <dickerson.aaron@epa.gov>
Subject: RE: EPA CBAs

No reason to travel. I believe we can handle in a conversation over the phone. We'll figure out the best time earlier next week. Thank you.

-----Original Message-----
From: David Feder [mailto:dfeder@cfl.rr.com]
Sent: Friday, March 15, 2019 3:56 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: EPA CBAs

Good afternoon,

If you want to discuss the new CBA over the phone, I am available anytime next week except for Monday afternoon. If you would prefer that we meet in person (I am in Orlando), just let me know and I can make travel arrangements. I am looking forward to our discussions.

Dave

-----Original Message-----
From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Friday, March 15, 2019 1:14 PM
To: dfeder@cfl.rr.com
Cc: Dickerson, Aaron <dickerson.aaron@epa.gov>
Subject: EPA CBAs

David, we have had two staff changes in political appointees working on collective bargaining goals at EPA.

I'm going to take that role and wanted to meet with you concerning the new model CBA provisions which I understand EPA's Labor and Employment Relations office has worked on with you.

Will you let me know when might be most convenient? Much appreciated.

Ryan.

Ryan Jackson
Chief of Staff
U.S. EPA
Ex. (b)(6)

Message

From: Scott Mason Ex. (b)(6)
Sent: 7/2/2018 3:46:00 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Scott Mason resume
Attachments: W Scott Mason Resume 2018.pdf

Ryan,

Attached is my resume. Please let me know if you have any questions.

Thank you,

Scott

W. SCOTT MASON IV

Ex. (b)(6)

EXPERIENCE

THE UNIVERSITY OF OKLAHOMA SYSTEM

VICE PRESIDENT & EXECUTIVE OFFICER OF THE UNIVERSITY | June 2015 – Present

- Head of all federal and state government affairs for the University of Oklahoma System:
  (OU Norman, OU Health Sciences Center & OU Medical Center, OU Tulsa, OU Research Campus, OU Westheimer Airport)
- Member of the President's Cabinet
- Closely advise & report directly to the President of the University of Oklahoma
- Work to increase level of federal funding the University System receives. *I.e. successfully increased Mesonet funding from $3-6M in FY16*
- Implement and direct all aspects of state and federal government relations program, including strategy and policy development
- Lead a staff of approximately 10, including state and federal contract lobbyists

DIRECTOR OF GOVERNMENT RELATIONS | July 2014 – June 2015

- Representative to the Big XII Conference Government & Public Affairs Committee
- Prepare University personnel to engage in the advocacy process
- Consult with President, Vice President and other administrators on matters related to public policy

DIRECTOR OF STATE RELATIONS | September 2013 – July 2014

- Monitor State legislation and advise government relations leadership regarding impact to University
- Oversee annual Higher Education Day at the State Capitol

OFFICE OF THE GOVERNOR

EXECUTIVE AIDE AND SPECIAL ASSISTANT TO THE GOVERNOR | State of Oklahoma | 2011 – 2013

- Report and work directly with Governor of Oklahoma as primary aide and liaison
- Managed the execution of Oklahoma Governor Mary Fallin's daily schedule. Traveled with and staffed the Governor at all official and political events, meetings and functions- including travel to 29 states and 6 countries.
- Prioritized which issues most deserved the Governor's attention based on policy objectives
- Acted as point aide and communications staff during aftermath of May 20, 2013 Moore EF5 Tornado
- Served as Governor's chief in-house emergency management and economic development staffer

OFFICE OF THE GOVERNOR-ELECT

DEPUTY ASSISTANT DIRECTOR OF GUBERNATORIAL TRANSITION | State of Oklahoma | 2010 – 2011

- Ensured the continuity and smooth transition of State government
- Reviewed applications of citizens wanting to serve in the Governor-Elect's administration
- Advised Governor-Elect, Chief of Staff and Transition Co-Directors on policy recommendations

OFFICE OF PRESIDENT GEORGE W. BUSH

SPECIAL PROJECTS | 2009 – 2010

- Served President and Mrs. Bush in the President's personal office, handling personal and official correspondence and other projects as assigned during transition and permanent move to Dallas, TX

UNITED STATES HOUSE OF REPRESENTATIVES

DISTRICT FIELD REPRESENTATIVE | 5th Congressional District of Oklahoma | 2007-2008

- In charge of representing Congresswoman Mary Fallin in Oklahoma and Seminole Counties: Oklahoma City, Edmond and Seminole
- Liaison between mayors, city managers and other elected officials representing Member on numerous federal legislative issues
- Advisor on Agriculture, Defense, Homeland Security and Transportation issues

EDUCATION

The University of Oklahoma | May 2010

- Master of Education – Higher Education Administration

The University of Oklahoma | May 2007

- Bachelor of Arts – Political Science

COMMUNITY AND CIVIC ACTIVITIES

- The State Chamber of Commerce – Member
- Oklahoma City Chamber of Commerce – Member
- Norman Chamber of Commerce - Member
- Real Estate Governance Board for the OU Research Campus – Board Member
- Association of Public & Land Grant Universities (APLU), Council on Government Affairs – Executive Committee Member, *nominated and elected by colleagues from universities across the country*

PUBLIC SERVICE

MEMBER – CORDELL BOARD of EDUCATION, OFFICE #4

School Board Member | Cordell Public School System | Oklahoma ISD #78 | 2008 - 2009

- Created and implemented policy for public school system comprised of nearly 1,000 students, grades K-12
- Reviewed and oversaw all school budgets, including general and athletic accounts
- Responsibility for hiring/ re-hiring/ dismissal of faculty, staff and administration

Ex. (b)(6)

Message

From: Bodine, Susan [bodine.susan@epa.gov]
Sent: 6/20/2018 12:08:47 AM
To: Victoria Tran [Ex. (b)(6)]
CC: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: Law Clerk opening at EPA

Great

Sent from my iPhone

On Jun 19, 2018, at 6:44 PM, Victoria Tran [Ex. (b)(6)] wrote:

> Susan,
>
> It is so great hearing from you! I will definitely look into this when I get the chance. Currently, there is a state race I'm involved in and it has been very occupying. If I don't get back to you in a week, I promise I will let you know by the end of the month. Thank you very much for the consideration. I hope all is well.
>
> Sincerely,
>
> Victoria L. Tran
>
> On Mon, Jun 18, 2018 at 7:23 AM, Bodine, Susan <bodine.susan@epa.gov> wrote:
>
> > In the Office of General Counsel, Pesticide and Toxic Substances Law Office
> >
> > Let us know if you decide to apply.
> >
> > https://epa.usajobs.gov/GetJob/ViewDetails/501893800
> >
> > Susan

Message

From: Niina Heikkinen [nheikkinen@eenews.net]
Sent: 3/20/2019 6:03:37 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: splitting NSR and ACE

Hi Ryan,

I hope you are well. I heard about some reporting saying EPA is planning to split the NSR reforms out of the ACE rule. Is that correct and can you tell me anything more about the rationale behind it. I recall some speculation EPA might make this move to protect ACE from legal challenges.

Thanks,
Niina

Niina Heikkinen
E&E News regulations and federal agencies reporter
Ex. (b)(6)
nheikkinen@eenews.net
@nhheikkinen

Message

From: American Petroleum Institute [api@smartbrief.com]
Sent: 6/11/2018 1:35:20 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: The news about our energy future

API SmartBrief

Created for **jackson.ryan@epa.gov** | Web Version

API SmartBrief

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Best regards,
The API SmartBrief Team

SmartBrief, Inc. | 555 11th St. NW | Suite 600 | Washington, DC 20004 | Unsubscribe

Message

From: ECOS [ecos=ecos.org@mail224.suw16.rsgsv.net]
on behalf of ECOS [ecos@ecos.org]
Sent: 6/8/2018 7:29:47 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: ECOSWIRE: ECOS to Launch PFAS Coordinating Committee, Seeks Innovation Video Notice by June 15

ECOSWIRE: ECOS to Launch PFAS Coordinating Committee, Seeks Innovation Video Notice by June 15

ECOSWIRE | Vol. 20 No. 23

View this email in your browser

ECOSWIRE

Friday, June 8, 2018

Vol. 20 No. 23

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ECOS to Launch PFAS Coordinating Committee

In the aftermath of U.S. EPA's PFAS Leadership Summit, ECOS is convening a regular series of conference calls between representative state commissioners and federal leaders from EPA (OLEM, OW, and ORD), as well as DoD, FDA, CDC/ATSDR, and NIEHS. We expect Commissioners from Ohio, Michigan, Vermont, Oklahoma, Minnesota, and Nebraska to represent ECOS on the first call, which we are holding on **June 22**.

ECOS is working with other associations (ASTSWMO, ASDWA, ASTHO, ACWA, CSTE, etc.) to make sure we ask the right questions and share the right information. Please note

that the initial call will be limited to leaders from state and federal governments; we hope to open up the call further eventually. (P.S. *If you can unpack all those acronyms from memory, you have my condolences.)* [Sankar]

McConnell Shortens Senate Recess for Appropriations, WRDA Work

Senate Majority Leader Mitch McConnell (R-KY) on June 5 cancelled most of his chamber's August recess. McConnell cited the need to work on Fiscal Year 2019 appropriations and the Water Resources Development Act. The recess was originally scheduled for August 6 to September 3, and is now only the first week of August.

Senators have generally welcomed the announcement of extra time to work on legislative priorities, although a number of Senators who are up for reelection were planning to use the August recess to campaign in their home states. [McAleer]

Register Now for ECOS Silver Anniversary Fall Meeting in Vermont

Registration is open for the **August 27-30** Silver Anniversary Fall Meeting in Stowe, Vermont. With a theme of *25 Years of Progress*, the meeting will be keynoted by ECOS Founding Executive Director Robbie Roberts and current Executive Director Sam Sankar, Vermont Governor Phil Scott, and Green Mountain Power President & CEO Mary Powell.

The gathering will showcase an array of environmental successes and lessons learned over the past quarter century. Planned roundtables are: *Earth, Sea, and Sky – Taking Stock of 25 Years of Progress*; *Greening Our States to Bring in the Green – Environmental Improvement as a Driver of Economic Development*; and *Applying Past Lessons to Emerging Challenges*. Also planned are a point-counterpoint on acceptable science, a mini session on social media, and a group problem-solving session. And sure to be a highlight are video presentations by ECOS members along with live voting for the 2018 State Program Innovation Awards (see next story).

ECOS members will hold closed sessions with U.S. EPA leadership to discuss Cooperative Federalism 2.0 progress. Networking opportunities include an ice cream

icebreaker, an ECOS anniversary trivia contest, a Taste of Vermont reception, and a 25th Anniversary Gala & Awards Ceremony.

Register by **July 12** to receive the early bird registration rate, and reserve a hotel room without delay at Stowe Mountain Lodge!

See the draft agenda, registration, and hotel details here. For agenda and sponsorship questions, contact Lia Parisien of ECOS. For registration questions, contact Sarah Grace Longsworth of ECOS. For hotel questions, contact Megan Swanson of ECOS. [Parisien]

Action Requested by June 15: Please Notify ECOS of Intent to Submit an Innovation Video

In honor of the 25th anniversary of ECOS, the association is changing up the process for selecting recipients of its annual State Program Innovation Awards bestowed at the Fall Meeting. This year's nominations will be presented via member video and selected through a live vote by all attendees.

ECOS hopes to receive one nomination video from each state. Each submission should contain: the name of your program; an overview of your innovative program or approach; and results to date. Be as creative with the video as you'd like. You are welcome to report from the field, add video feed and music or sound effects, and involve your staff.

We only ask that the ECOS member appear at least briefly on camera to describe the innovation, limit the video to between 90 seconds and two minutes, and submit just one video on one innovation. To ensure a video quality, shoot in HD (720p minimum) with a horizontal frame; use a tripod for stability; ensure clear lighting and high-quality audio; and avoid reading from a paper with your head tilted downward.

In order to help ECOS ensure that participation is high, please notify [redacted] of ECOS by **June 15** or your intent to submit a video. Please then send your

submission to by **July 12** and contact her with any questions. Thanks in advance for your participation! [Parisien]

State News You Can Use

Idaho Receives U.S. EPA Approval for NPDES Program Primacy

North Carolina Creates Environmental Justice and Equity Advisory Board

Oregon Improves Air Quality Index Tool

Tennessee State Parks Transition to Electric Golf Carts

Need-to-Know News in Air, Waste, & Energy

Hearing Scheduled on U.S. EPA's Proposed Denial of CAA Section 126 Petitions

Area of Focus: *Air*

As reported last week in *ECOSWIRE*, U.S. EPA proposed denial of five petitions submitted by Delaware and Maryland under section 126 of the Clean Air Act. Under Section 126, states may ask EPA to set emission limits for specific sources of air pollution in other states.

The public hearing will be held **June 22** at EPA headquarters in Washington, DC. To register to speak, contact Pamela Long at U.S. EPA. [Poole]

U.S. EPA Issues Final Definition of Solid Waste 2018 Rule

Area of Focus: *Waste*

On May 23, the U.S. EPA Administrator signed a final rule implementing the recent court decision on EPA's 2015 definition of solid waste (DSW) rule on the recycling of hazardous secondary materials. In issuing its final decision, the court accepted EPA's requested clarification that the definition of legitimate recycling applies in all circumstances.

EPA reports that the rule aims to provide states and businesses with a consistent and clear definition of legitimate recycling of hazardous secondary materials. EPA encourages states to adopt the 2018 final rule, which implements these changes, and for industry to take advantage of these flexibilities to minimize waste through increased recycling of these materials.

For more information, see here.

U.S. EPA Announces $15.7 Million in Supplemental Brownfield Funding

Area of Focus: *Waste*

U.S. EPA announced June 7 the award of approximately $15.7 million in supplemental funding to communities to assist them in cleaning up contaminated Brownfield properties. EPA plans to provide supplemental funding to 33 existing Revolving Loan Fund grantees,

helping communities continue to carry out cleanup and redevelopment projects.

Communities selected for FY18 supplemental funding are listed here. [Parisien]

ECOS Participates in U.S. EPA Methane Challenge Workshop

Area of Focus: *Energy*

This week, ECOS staff working with the Shale Gas Caucus participated in the Natural Gas STAR and Methane Challenge Technology Transfer Workshop hosted by U.S. EPA and Dominion Energy in Glen Allen, VA. The workshop centered on experiences in methane emissions mitigation and included presentations by researchers, service providers, and others.

For more information about the workshop and the program, visit the EPA Natural Gas STAR website or contact Lia Parisien or Connor MacCartney of ECOS. [MacCartney]

E-Enterprise for the Environment

E-Enterprise

State Quality Management Expertise Sought for E-Enterprise Workgroup Effort

The E-Enterprise Quality Assistance Project Plan (QAPP) Workgroup is preparing to hold a Lean event this summer to improve the QAPP processes and address issues related to variation and timeliness in regional offices review, and the need for tools and training to assist with the development of QAPPs. The workgroup seeks participation by state Quality Management officials who submit QAPPs directly to the EPA Regional Office (rather than using a Quality Management Plan) in the Lean event or pre-event planning.

The event is scheduled for **July 23-26**, and participants may have the opportunity to

continue with the workgroup after the event. For more information or to volunteer, please contact Beth Graves of ECOS. [McAleer]

ITRC

Interstate Technology and Regulatory Council

ITRC Issues RFP for 2019 Technical Teams

The Interstate Technology & Regulatory Council (ITRC) is seeking proposals for new 2019 technical teams! ITRC achieves its mission through its teams, which develop guidance documents and training courses to help state environmental agencies and others gain valuable technical and regulatory knowledge.

Learn more about submitting a proposal here. [Olonoff]

Member News

Give That Man Some Gatorade

This year's award for questionable state commissioner conduct goes to Ohio's Craig Butler for finishing 16th in the Lighthouse 100 last weekend in Michigan. No, that's not 100 meters. And yes, placing 16th means he beat more than half of the finishers. ECOS staff are trying to talk their newbie Executive Director out of scheduling a 100-mile "Ohio vs. America" commissioner relay race in Vermont. Just in case, you might want to get started training for your two-mile stint.

But seriously: wow. Congratulations, Craig! [Sankar]

Upcoming Events

ECOS Calls

Shale Gas Caucus

The ECOS Shale Gas Caucus (SGC) will hold its next call on **June 20 at 2-3 p.m. Eastern**. Part of the Phase 3 Series on produced water, air, and alternative compliance pathways, the call will spotlight remediation of produced water spills as well as U.S. EPA's produced water study.

For more information on the call or the SGC, please contact Lia Parisien or Connor MacCartney of ECOS. [MacCartney]

Webinars

ECHO: How Do I Search For ... ??

States are invited to join U.S. EPA for its next Enforcement and Compliance History Online (ECHO) webinar on **June 12 at 1:30 - 2:30 p.m. Eastern**. This webinar will provide an overview of the data in ECHO and guide attendees through the site to answer environmental enforcement and compliance questions. The webinar will consist of short, step-by-step demonstrations geared toward both new and experienced users. ECHO Facility Search and other features will be demonstrated to answer questions such as:

- How do I search for a specific facility?
- How do I search for facilities in my community?
- How do I search for facilities releasing a pollutant?

Please register to attend the webinar. If you are unavailable at that time, it will be recorded and posted on the ECHO Training page. For more information, contact Rebecca Kane. [Graves]

U.S. EPA NETI Series on Clean Water Act

U.S. EPA's National Enforcement Training Institute (NETI) is offering 12 Clean Water Act (CWA) Coffee Break Webinars this summer. The purpose of each 30-minute session is to provide busy enforcement professionals a quick snapshot of a particular part of the CWA. The webinar series is open to EPA and other federal agencies, as well as state, local, and tribal partners and others.

The series will be presented **every Wednesday from June 13 to August 25, except for July 4**. This Webinars List Link has a registration feature along with a list of webinar times, topics, and descriptions. Only registrations using official government email addresses will be approved.

Contact Art Horowitz of NETI for further information and questions about the series. [Piper]

PFAS and HABs Risk Communication Webinars

ECOS and the Association of State and Territorial Health Officials (ASTHO) with host two webinars in June to highlight state-level risk communication of waterborne contaminants.

June 14 at 2 p.m. Eastern: Per- and Polyfluoroalkyl Substances (PFAS) (Register here)
June 21 at 2 p.m. Eastern: Harmful Algal Blooms (HABs) (Register here)

In early 2018, ECOS and ASTHO interviewed health and environmental agency staff from 13 states regarding their risk communication strategies and lessons learned for either PFAS contamination or HABs. Results were compiled into brief case studies that outline the the states' overall efforts, risk communication efforts, relevant resources, key messages for the public, and challenges in the states' programs or communications. The webinars will provide key findings from the case studies and offer potential considerations to others seeking to implement or improve their risk communication practices. [Longsworth]

ITRC Training on Geospatial Analysis for Optimization at Environmental Sites

The Interstate Technology & Regulatory Council (ITRC) will hold a training course on

Geospatial Analysis for Optimization at Environmental Sites on **June 19 at 1-3:15 p.m. Eastern.**

Optimization activities using geospatial analysis can improve performance, increase monitoring efficiency, and support contaminated site decisions. Unlike traditional statistical analysis, geospatial methods incorporate the spatial and temporal dependence between nearby data points, which is an important feature of almost all data collected as part of an environmental investigation. After attending this training, participants will be able to evaluate available data and site needs to determine if geospatial analyses are appropriate for a given site; select appropriate geospatial method(s) and software using the geospatial analysis workflow, tables, and flow charts in the guidance document; and explain what the results mean for decision- making.

Learn more and register here. [Olonoff]

U.S. EPA on Environmental Sampling and Analytical Methods

U.S. EPA will host its monthly Tools and Resources Webinar on **June 20 at 3 - 4 p.m.Eastern**. The topic is Environmental Sampling and Analytical Methods (ESAM), a suite of online tools that support the environmental characterization process for chemical, radiochemical, biotoxin, and pathogen contamination incidents. This webinar will highlight the functionality of ESAM's tools and include case studies and real world examples, including the recent ricin incident response in Colorado. To register, go here. [Longsworth]

ITRC Offers Training on Petroleum Vapor Intrusion

Registration is open for the two-day Interstate Technology & Regulatory Council (ITRC) Classroom Training on Petroleum Vapor Intrusion: Fundamentals of Screening, Investigation, and Management. Join ITRC, the Washington Department of Ecology, and the Pollution Liability Insurance Agency on **October 10-11** near Seattle, Washington!

This classroom training, led by internationally recognized experts, will enable participants to:

- Develop on-the-job skills to screen-out petroleum sites based on the scientifically-supported ITRC strategy and checklist;

- Communicate ITRC PVI strategy and justify science-based decisions to management, clients, and the public;
- Understand the essential principles of biodegradation and the fundamentals of vapor movement through the vadose zone; and
- Recognize the extensive options for investigating and mitigating PVI sites.

Learn more and register here. [Olonoff]

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Message

From: Glotfelty, James [JGlotfelty@QuantaServices.com]
Sent: 6/12/2018 4:27:13 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: RE:

Hey there Ryan. I just wanted to ck on this invite and see when a decision would be made?

Thanks a lot.

Jimmy

Jimmy Glotfelty
Jglotfelty@quantaservices.com
Ex. (b)(6)

On May 22, 2018, at 5:58 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

> Shoot me a letter and I'll get it in the process. Thanks for the invitation.
>
> **From:** Glotfelty, James [mailto:JGlotfelty@QuantaServices.com]
> **Sent:** Tuesday, May 22, 2018 6:12 PM
> **To:** Jackson, Ryan <jackson.ryan@epa.gov>
> **Cc:** Glotfelty, James <JGlotfelty@QuantaServices.com>
> **Subject:**
>
> Hey there Ryan. Hope you are well. I left Clean Line last year and joined Quanta Services. We are a $10 billion construction company that builds pipelines, transmission lines and telecom networks. We also have lots of employees in Oklahoma.
>
> We would like to invite Administrator Pruitt to speak at the annual Utility Perspectives event that Quanta hosts every year for Utilities. This year will be in Toronto on September 30 – October 2, 2018.
>
> What is the process for submitting a formal invitation for the Administrator to speak?
>
> Jimmy
>
> **Jimmy Glotfelty**
> **Quanta Services, Inc.**
> 2800 Post Oak Blvd. | Suite 2600 | Houston, TX 77056
> jglotfelty@quantaservices.com
> Ex. (b)(6)

Message

From: Chris McCloskey [federalsolutions@dalecarnegie.com]
Sent: 6/14/2018 2:58:46 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Unlock an engaged Federal workforce now

Dale Carnegie

Ryan,

Are your leaders challenged to continue learning about themselves in relation to those they lead? Based on what they discover, are they willing to learn about their mindset and change their behavior? Do they exhibit the discipline to change their behavior? Leaders who have the willingness to learn and the discipline to change are the types of flexible, resilient leaders needed to increase employee engagement.

Join us as we offer two complimentary sessions for federal agencies to strengthen their culture through employee engagement on June 26th. We will provide leadership in helping agencies create inclusive work environments where a diverse Federal workforce is fully engaged and energized to put forth its best effort, achieve their agency's mission, and remain committed to public service.

Dale Carnegie has worked to align our courses with the OPM five executive core qualifications (ECQs). We have focused on long-term, strategic commitment to providing federal leaders with enhanced leadership competencies and opportunities for leadership development required to increase employee engagement and organizational performance over an entire career.

Download our Course Mapping Document to see which courses align with which ECQs.

For additional information or to register for this complimentary workshop, please click on the link below. Seating is limited so register today!

When: June 26th, 2018
9:00 AM – 11:00 AM, Morning Session
-OR-
1:00 PM – 3:00 PM, Afternoon Session

Location:

1050 Connecticut Ave, NW, Ste. 500

Washington, DC 20036

Red Line: Farragut North Metro Stop

Register today for **Federal Engagement Brief: Achieving Breakthrough Performance**.

Sincerely,

Chris McCloskey

Government Solutions Director

Dale Carnegie

Ex. (b)(6)

chris.mccloskey@dalecarnegie.com

http://gsa.dalecarnegie.com

GSA Schedule #: GS-10F-0329K

Dale Carnegie 290 Motor Parkway Hauppauge, NY 11788 US

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Message

From: chad bradley Ex. (b)(6)
Sent: 6/13/2018 4:34:52 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Dickerson, Aaron [dickerson.aaron@epa.gov]
Subject: Re: Can I set up a meeting with you sometime in the next couple of weeks?

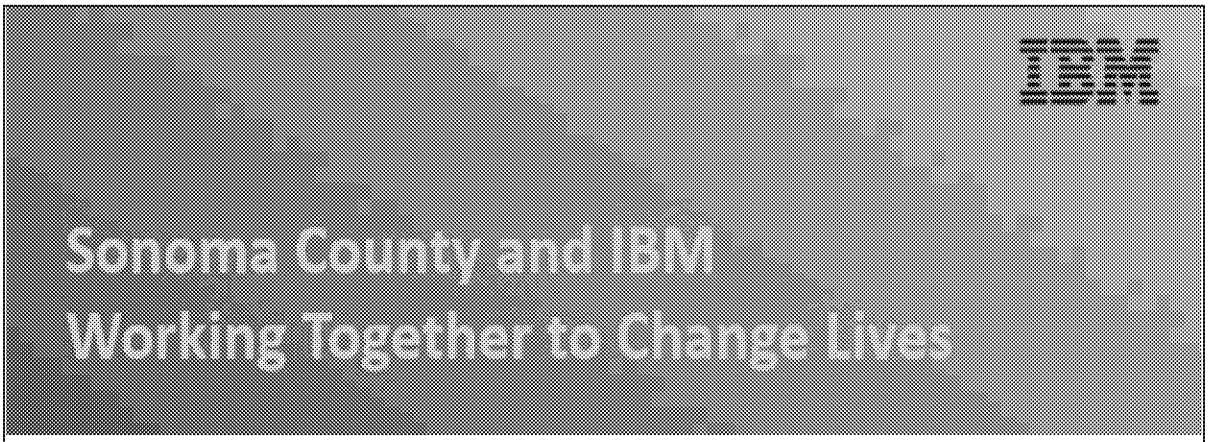
Thanks.

Chad

> On Jun 13, 2018, at 11:23 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>
> Of course.
>
> -----Original Message-----
> From: chad bradley Ex. (b)(6)
> Sent: Wednesday, June 13, 2018 9:46 AM
> To: Jackson, Ryan <jackson.ryan@epa.gov>
> Subject: Can I set up a meeting with you sometime in the next couple of weeks?
>
> Is Aaron still your scheduler?
>
> Thanks.
>
> Chad
>

Message

From: Sam [sam@technology-signals.com]
Sent: 3/20/2019 5:39:28 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: [SPAM] Empowering caseworkers to better serve the most vulnerable



Hi Ryan,

Currently, each agency is separately funded, which means separate facilities, management, staff, budgets and priorities. Each agency is essentially a "silo of service" with no way to reasonably coordinate with other programs to deliver services.

These departments are each committed to designing better coordinated service delivery but face many challenges. For example, how do they:

- Collaborate to provide care to shared clients and reduce fragmentation of care
- Understand what services are being accessed in other departments to reduce duplication of services
- Collaborate on creating an effective, efficient care management plan.

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Message

From: Niina Heikkinen [nheikkinen@eenews.net]
Sent: 6/26/2018 2:10:24 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: re-upping profile

Hello there,

I had reached out a while back asking if you would be interested in participating in a profile. Since then, the article got a bit side-tracked, but now it is back on in light of the number of emails coming out of the latest Sierra Club lawsuit.

Please let me know if you'd like to talk about your work at EPA for this more broadly. I will likely be circling back tomorrow with specific questions about the emails themselves.

Thanks for your time.

Sincerely,

Niina

Niina Heikkinen
E&E News
Ex. (b)(6)

Message

From: Lyons, Troy [lyons.troy@epa.gov]
Sent: 3/20/2019 8:44:49 PM
To: Repko, Mary Frances (EPW) [mary_frances_repko@epw.senate.gov]
Subject: RE: Peter Wright Letter

Yes, Monday works. I am glad you were able to get out of town. Safe travels.

From: Repko, Mary Frances (EPW) <mary_frances_repko@epw.senate.gov>
Sent: Wednesday, March 20, 2019 4:43 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: Re: Peter Wright Letter

I have reviewed, and I'd like to discuss. Can we talk when I am back in DC on Monday? Don't want to delay, but my phone connection has been really spotty.

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

On Mar 20, 2019, at 10:05 AM, Lyons, Troy <lyons.troy@epa.gov> wrote:

> Wanted to follow up on this to see if you have reviewed.
>
> Sent from my iPhone
>
> On Mar 18, 2019, at 9:15 AM, Lyons, Troy <lyons.troy@epa.gov> wrote:
>
> > MF—let me know if you want to discuss
> >
> > ---
> >
> > **From:** Lyons, Troy
> > **Sent:** Thursday, March 14, 2019 10:53 PM
> > **To:** Mary Frances Repko <mary_frances_repko@epw.senate.gov>
> > **Subject:** Peter Wright Letter
> >
> > Mary Frances
> >
> > Thanks for the call today, it was good to chat. Please find attached the Peter Wright letter which has been updated to reflect changes since the December draft. Also, you will find the explanation of these changes.
> >
> > —The PFAS first section was changed to reference the PFAS plan we issued February 14 and to change tenses.
> >
> > —The Formaldehyde section is unchanged.

—The science transparency rule has some tense changes to it, also changed is the supplemental notice reference. The letter notes that based on our preliminary analysis of the comments reviewed EPA may need to issue supplemental notices and solicitations of comments received.

—the SAB CASAC section was updated on the reappointments. Tom Brennan is finishing, and may have already finished, more of the response on the SAB and CASAC in a separate letter which he will be signing shortly.

We are happy to discuss this with you further, or if you have any questions.

Many thanks,

Troy

Sent from my iPad

Message

From: Ex. (b)(6)
Sent: 6/26/2018 11:32:40 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Thank You

Dear Mr. Jackson:

Thank you for taking the time to discuss the available opportunities within the Environmental Protection Agency with me this afternoon. Our conversation confirmed my interest in pursuing a position within the agency. I look forward to hearing from you further regarding my application for the Attorney-Advisor position within the Office of the General Counsel and the attorney position we discussed responsible for reviewing and analyzing the agency's numerous FOIA requests.

As I stated on the phone, I will be in Washington DC July 5 and 6. If possible, I would love to meet with any available members of the agency to further discuss these opportunities. If I can provide any additional information in support of my application, please do not hesitate to ask. I appreciate your time and consideration, and I look forward to hearing from you further regarding next steps.

Best Regards,

Ex. (b)(6)

Sent from Yahoo Mail. Get the app

Message

From: Katherine Dill [katherine@cypressgroupdc.com]
on behalf of Rick Dearborn [rick@cypressgroupdc.com]
Sent: 6/12/2018 2:31:14 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Katherine Dill [katherine@cypressgroupdc.com]
Subject: Reception for Rick Dearborn tonight -- 4-7pm; 224 C Street, NE
Attachments: Reception for Rick Dearborn.pdf

Ryan, I hope you're doing well. My adjustment to the private sector is going well and I'm hopeful to see you, the Secretary and the entire EPA team at my reception tonight.

You should have received this invite two weeks ago, but you won't be surprised to learn that the folks I'd asked to circulate the invite were told by the legal powers that be they couldn't in turn resend this invite to you directly. I of course can send it to you and am sorry that I've just now found out at the eleventh hour that this was the case.

Regardless, I would love for you, the Secretary and the team to all to come by and please let our other colleagues know without forwarding via email – I don't want you to get in trouble.

I've attached a copy of the invite. I'd love to see you and introduce you to my new partners here at Cypress. If the Secretary can drop by that would be fantastic, but I certainly understand how busy schedules are these days, and this short notice doesn't help.

All the best and I hope to see you this evening.

RAD

Rick A. Dearborn
The Cypress Group
Cady's Alley
1028 33rd Street, NW
Suite 200
Washington, D.C. 20007
Ex. (b)(6)
www.CypressGroupDC.com

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Please Join Us

for a reception for

RICK A. DEARBORN

Partner, The Cypress Group

Tuesday, June 12,2018
4:00 - 7:30 PM

At

224 C Street NE
Washington, DC 20002

Please RSVP To
Mackenzie Smith at Ex. (b)(6)
Or E-Mail to mgroup2000@verizon.net

This is a widely attended event.

Message

From: Chad Bradley Ex. (b)(6)
Sent: 6/20/2018 11:50:16 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Dickerson, Aaron [dickerson.aaron@epa.gov]
Subject: [SPAM-Sender] Just confirming you both got the attached details about the meeting on Thursday...

Hi Ryan and Aaron,

For the meeting with Ryan on Thursday, I will be bringing in folks from Exelon Corp. We would like to talk to Ryan about the following:

Exelon owns the Conowingo Hydroelectric Project on the lower Susquehanna River in Maryland and is currently seeking a new operating license from FERC. The Maryland Department of the Environment (MDE) recently developed something called the "Conowingo Watershed Implementation Plan (WIP)" pursuant to which MDE, with the imprimatur of EPA, could saddle Exelon with the obligation to pay more than $7*billion* in "fees" to clean up pollution from upstream sources that impacts the Chesapeake Bay. Exelon didn't create this pollution and has no reasonable way to remove it from the river. MDE is now aggressively pushing EPA to endorse this scheme. MDE's scheme would dramatically expand the scope of the Clean Water Act, which is unlawful, and would set a precedent that could cripple hydropower and other industries. Exelon would like to meet with EPA to discuss this proposed "Conowingo WIP."

Attending the meeting will be:

- Kathleen Barron, Senior Vice President, Federal Regulatory Affairs and Wholesale Market Policy, Exelon
- Tom O'Neill, Senior Vice President and General Counsel, Exelon
- Todd Cutler, Associate General Counsel, Exelon
- Jackie Carney, Director Federal Governmental Affairs, Exelon
- Chad Bradley
- John Cruden, Beveridge & Diamond
- Sam Hirsch, Jenner & Block

Let me know if you need anything else. My Cell is Ex. (b)(6)

Chad

On Jun 19, 2018, at 8:27 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Sure.

From: Chad Bradley Ex. (b)(6)
Sent: Tuesday, June 19, 2018 1:37 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: [SPAM-Sender] Fwd: [SPAM-Sender] [SPAM-Sender] Re: Can I set up a meeting with you sometime in the next couple of weeks?

Hey,

I sent this over to Aaron earlier this morning and thought I CC'd you on it. This if for the meeting I scheduled for Thursday 6/21 at 3:00. Let me know if you need any more information.

Thanks,

Chad

Begin forwarded message:

From: Chad Bradley Ex. (b)(6)
Subject: Re: [SPAM-Sender] Re: [SPAM-Sender] Re: Can I set up a meeting with you sometime in the next couple of weeks?
Date: June 19, 2018 at 9:34:43 AM EDT
To: "Dickerson, Aaron" <dickerson.aaron@epa.gov>

Hi Aaron,

For the meeting with Ryan on Thursday, I will be bringing in folks from Exelon Corp. We would like to talk to Ryan about the following:

Exelon owns the Conowingo Hydroelectric Project on the lower Susquehanna River in Maryland and is currently seeking a new operating license from FERC. The Maryland Department of the Environment (MDE) recently developed something called the "Conowingo Watershed Implementation Plan (WIP)" pursuant to which MDE, with the imprimatur of EPA, could saddle Exelon with the obligation to pay more than $7*billion* in "fees" to clean up pollution from upstream sources that impacts the Chesapeake Bay. Exelon didn't create this pollution and has no reasonable way to remove it from the river. MDE is now aggressively pushing EPA to endorse this scheme. MDE's scheme would dramatically expand the scope of the Clean Water Act, which is unlawful, and would set a precedent that could cripple hydropower and other industries. Exelon would like to meet with EPA to discuss this proposed "Conowingo WIP."

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- Jackie Carney, Director Federal Governmental Affairs, Exelon
- Chad Bradley
- John Cruden, Beveridge & Diamond
- Sam Hirsch, Jenner & Block

Let me know if you need anything else. My Cell is Ex. (b)(6)

Chad

On Jun 14, 2018, at 11:17 AM, Dickerson, Aaron <dickerson.aaron@epa.gov> wrote:

Sounds great. Thank you.

-----Original Message-----
From: Chad Bradley Ex. (b)(6)
Sent: Thursday, June 14, 2018 10:59 AM
To: Dickerson, Aaron <dickerson.aaron@epa.gov>

Subject: [SPAM-Sender] Re: [SPAM-Sender] Re: Can I set up a meeting with you sometime in the next couple of weeks?

Yes Sir. That works. I am in the process of getting attendees names and a background paper for Ryan. I will send those as soon as I have them.

Thank you very much for your help.

Chad

> On Jun 14, 2018, at 10:34 AM, Dickerson, Aaron <dickerson.aaron@epa.gov> wrote:
>
> How about 3pm on the 21st?
>
> -----Original Message-----
> From: Chad Bradley Ex. (b)(6)
> Sent: Thursday, June 14, 2018 10:21 AM
> To: Dickerson, Aaron <dickerson.aaron@epa.gov>
> Subject: [SPAM-Sender] Re: Can I set up a meeting with you sometime in the next couple of weeks?
>
> Hi Aaron,
>
> Thank you for getting back to me. I just got off the phone with a client and have to go up to NYC on the 22 now. Sorry about that. Could we do the afternoon of the 21st, anytime after 2:00, or on Monday June 25th?
>
> Thank you .
>
> Chad
>
>> On Jun 14, 2018, at 9:51 AM, Dickerson, Aaron <dickerson.aaron@epa.gov> wrote:
>>
>> Hi Chad
>>
>> How about Friday, June 22 sometime between 10:30-11:30?
>>
>> Aaron Dickerson
>> Assistant to the Chief of Staff
>> Office of the Administrator
>> U.S. EPA
>> Phone: 202-564-1783

-----Original Message-----
From: chad bradley
Ex. (b)(6)
Sent: Wednesday, June 13, 2018 12:37 PM
To: Dickerson, Aaron <dickerson.aaron@epa.gov>
Subject: Re: Can I set up a meeting with you sometime in the next couple of weeks?

Hi Aaron,

I wanted to see if I might be able to get 30 minutes on Ryan's schedule next Monday, June 18, or next Friday, June 22? I am in the process of putting together issue papers and attendees and will get that to you once we get the meeting set up.

Thank you in advance for your assistance.

Chad

> On Jun 13, 2018, at 11:23 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>
> Of course.
>
> -----Original Message-----
> From: chad bradley
> Ex. (b)(6)
> Sent: Wednesday, June 13, 2018 9:46 AM
> To: Jackson, Ryan <jackson.ryan@epa.gov>
> Subject: Can I set up a meeting with you sometime in the next couple of weeks?
>
> Is Aaron still your scheduler?

Thanks.

Chad

Message

From: IEDC [iedcnews@iedconline.org]
Sent: 6/13/2018 3:09:48 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Join us for The Changing Energy Landscape webinar - July 26

SHARE THIS WEBINAR:

The story of American economic development is also the story of energy. The fortunes of communities have risen and fallen as new technologies have unleashed growth and old methods have lost competitiveness.Tune in July 26, and discover the current trends and future outlooks for energy in America. Sign up today and prepare to explore economic development challenges surrounding coal, oil and natural gas, and renewable energy, and discuss how economic developers are working to stabilize their communities, meet demands of businesses, and maximize opportunities created by energy market transformations.

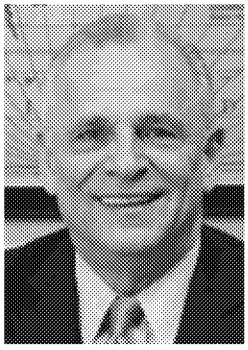
What you'll learn:

- Where major impacts in energy are occurring across the U.S., who has been most affected by these changes, and what others can do to prepare.

- Case studies on how economic developers from diverse communities are dealing with significant energy-based impacts to their economies.
- Programs you can implement and resources that are available to support your community throughout these changes.

REGISTER

Moderator:



Rick Weddle, FM, HLM
President and CEO
Hampton Roads Economic Development Alliance
Norfolk, VA

Speakers:

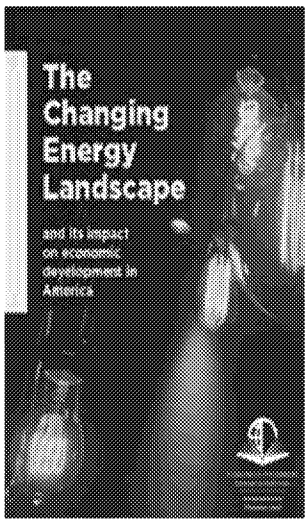
SeonAh Kendall
Economic Health Manager
City of Fort Collins
Fort Collins, CO

David Maahs, CEcD
Executive Vice President, Economic Development
Greater Des Moines Partnership
Des Moines, IA

Sandy Ratliff
Assistant Vice President, Community Impact Advisor
Southwest Virginia Virginia Community Capital
Abingdon, VA

REGISTER

Want to learn even more on this topic? Download EDRP's recent report *The Changing Energy Landscape and Its Impact on Economic Development in America*.



International Economic Development Council

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Message

From: Lesofski, Emy (Appropriations) [Emy_Lesofski@appro.senate.gov]
Sent: 3/20/2019 2:05:04 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Automatic reply: EPA Administrator Wheeler's Wilson Center Remarks on Global Water Issues

I am out of the office through March 23rd with very limited access to email. If you need immediate assistance, please contact the Interior Appropriations Subcommittee at 202-224-7233.
Thanks!
Emy.

Message

From: Freedhoff, Michal (EPW) [Michal_Freedhoff@epw.senate.gov]
Sent: 6/7/2018 9:25:30 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: FW: RELEASE: Senators Ask Inspector General to Investigate EPA Withholding Murray 'Action Plan' & Scrubbing Pruitt Calendars

FOR IMMEDIATE RELEASE
June 7, 2018

Contact:
Rich Davidson (Whitehouse), 202-228-6291
Kelly Scully (Carper), 202-224-8832

Senators Ask Inspector General to Investigate EPA Withholding Murray 'Action Plan' & Scrubbing Pruitt Calendars

Documents suggest EPA has kept key information from congressional investigators

Washington, DC – Senators Sheldon Whitehouse (D-RI) and Tom Carper (D-DE) asked the Inspector General for the Environmental Protection Agency (EPA) to investigate withheld documents and potential misrepresentations to Congress about the influence of coal baron Robert Murray and others. The letter highlights a number of requests by Whitehouse and Carper for documents that shed light on Murray's interactions with the EPA, including an "action plan" Murray has provided multiple Trump officials at the White House and Department of Energy. Recent reports and documents released under the Freedom of Information Act (FOIA) show that copies of the action plan and other information were addressed to EPA Administrator Scott Pruitt, and suggest that Murray and Pruitt met in March 2017.

The Senators write, "**it appears to us that EPA had documents responsive to our request as early as March 2017 in the form of scheduling emails and documents provided by Mr. Murray's staff to Administrator Pruitt. While we do not know for certain whether the Murray-Pruitt meeting took place on March 29, it was confirmed by Ms. [Millan] Hupp on March 27, and Administrator Pruitt was at EPA at the time of the meeting with nothing else scheduled on his Outlook calendar**."

The Senators also raise questions about meetings between Pruitt, industrialist and hedge fund manager T. Boone Pickens, disgraced Cardinal George Pell, and others that appear to have been scrubbed from calendars and documents made public through FOIA and given to congressional investigators. Those meetings also do not appear in Pruitt's Outlook calendars for official business. EPA official-turned-whistleblower Kevin Chmielewski told the *New York Times* that EPA officials worked to conceal the meeting with Pell after sexual assault violations surfaced.

These episodes raise two key questions, the Senators write: (1) Are EPA political staff interfering with congressional or Freedom of Information Act requests for documents? And (2) are EPA political staff scrubbing Pruitt's calendars of embarrassing or damaging meetings before disclosing them to Congress or the public?

Full text of the Senators' letter is below. A PDF copy is available here.

June 7, 2018

Inspector General Arthur A. Elkins Jr.
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2410T)
Washington, D.C. 20460

Dear Inspector General Elkins,

We write to request that you initiate an audit into how the Environmental Protection Agency (EPA) responds to congressional inquiries and Freedom of Information Act (FOIA) requests. The practices that we have observed at best show a breakdown of internal EPA procedures for reviewing agency records when responding to congressional oversight requests, sloppy management of the Administrator's Outlook calendar, and improper use of FOIA redactions. At worst, they demonstrate an intent to mislead Congress and the public by concealing meetings of interest on the Administrator's calendar and concealing documents unless ordered by a court to disclose them. What follows are two examples that illustrate our concerns.

Murray Action plan

It has been widely reported that Bob Murray, the president of Murray Energy, drafted an energy "action plan" which he widely shared with the Trump administration. Mr. Murray first acknowledged the existence of the plan in a PBS *Frontline* documentary that aired in October 2017.[1]

The following is a chronology of our efforts to obtain the plan and related communications from EPA:

- On October 27, 2017, Senators Carper and Whitehouse wrote to Administrator Pruitt asking for a copy of the action plan and any communications related to it. (Attached as Exhibit A.)
- On November 8, 2017, Senator Whitehouse asked Andrew Wheeler, former lobbyist for Murray Energy and now EPA's Deputy Administrator, for a copy of the plan during his confirmation hearing before the Senate Environment and Public Works Committee (EPW). Mr. Wheeler said he had seen a copy of the plan but claimed not to have a copy of it.
- On November 28, 2017, EPA responded to the Carper-Whitehouse letter of October 27, stating that the agency had "already conducted centralized Outlook searches of EPA officials that would have been engaged on this topic" and that "these searches did not capture any instances of the 'action plan.'" (Attached as Exhibit B).
- On December 6, 2017, *In These Times* released photos of a meeting between Secretary Perry and Robert Murray. These photos show Secretary Perry reviewing a version of Robert Murray's/Murray Energy's action plan and cover letter dated March 23, 2017, addressed to Secretary Perry.
- At the beginning of January 2018, Senator Whitehouse's office obtained a copy of the action plan, this one addressed to Vice President Pence.
- On January 10, 2018, Senator Whitehouse sent another letter to Administrator Pruitt, among other federal officials, again asking for any copies of the action plan (which was attached to the letter) and associated communications between EPA staff and Mr. Murray and his representatives. (Attached as Exhibit C.)
- On February 1, 2018, EPA replied to the January 10, 2018 request, stating: "Now knowing specific phrases used in the action plan, we again searched through the Outlook accounts of relevant officials. These searches did not capture any instances of the 'action plan.'" (Attached as Exhibit D.)
- On or about May 30, 2018, EPA made public a voluminous production of emails pursuant to a FOIA request made by the Sierra Club. Included in that production was an email exchange on March 22-27, 2017, between EPA staffer Sydney Hupp and Michael Carey, Vice President of Government Affairs at Murray Energy, scheduling a meeting between Administrator Pruitt and Mr. Murray on Wednesday,

[1] Frontline, *War on the EPA*. https://www.pbs.org/wgbh/frontline/film/war-on-the-epa/

March 29, 2017 at 11:00. (Attached as Exhibit E.) The meeting was the same day Mr. Murray met with Secretary Perry to discuss his action plan.[2] On March 22, Mr. Carey tells Ms. Hupp he is "sending him a memo now."

- EPA had previously and separately made available the Outlook calendars of Administrator Pruitt pursuant to another FOIA request. His calendar for March 29 shows Administrator Pruitt was at EPA that morning but does not show a meeting with Mr. Murray. It also does not show the time as being occupied with any other meeting or event. (Attached as Exhibit F.)
- On or about June 6, 2018, a tranche of documents was released by the Department of Energy to E&E News, [3] including two documents relevant to our previous inquiries but never disclosed:
    1. a copy of the Murray action plan addressed to Administrator Pruitt dated March 23, 2017;
    2. a letter addressed to Administrator Pruitt dated March 28, 2017 transmitting six executive orders and one memorandum related to President Trump's Energy Independence Executive Order. (Both are attached as Exhibit G.)

In sum, it appears to us that EPA had documents responsive to our request as early as March 2017 in the form of scheduling emails and documents provided by Mr. Murray's staff to Administrator Pruitt. While we do not know for certain whether the Murray-Pruitt meeting took place on March 29, it was confirmed by Ms. Hupp on March 27, and Administrator Pruitt was at EPA at the time of the meeting with nothing else scheduled on his Outlook calendar.

Other Omissions from Administrator Pruitt's Calendar

Also contained in the Sierra Club emails were exchanges between Administrator Pruitt's scheduler Millan Hupp and the organizers of the Concordia Summit, which Administrator Pruitt attended in New York City on September 19, 2017.[4] The emails indicate that while at the conference, Administrator Pruitt met with Andrew Littlefair[5] and T. Boone Pickens,[6] George Logothetis,[7] former Spanish President Jose Maria Aznar and John Negroponte. (Attached as Exhibit H). Administrator Pruitt's Outlook calendars show no such meetings. Instead, they indicate he arrived in New York on September 18 on a flight from Tulsa, OK with no business scheduled that day and that on September 19, his only official business consisted of two television appearances, participating in a 30-minute session at the conference, and a meeting with a *New York Times* reporter. The block of time during which these meetings were scheduled is redacted pursuant to a "(b)(6)" FOIA exemption.[8]

---

[2] Steven Mufson, "An American energy plan straight from coal country," *Washington Post*, Dec. 8, 2017, https://www.washingtonpost.com/business/economy/an-american-energy-plan-straight-from-coal-country/2017/12/08/1f207a26-d6ab-11e7-a986-d0a9770d9a3e_story.html?utm_term=.bafa721ef97c

[3] Hannah Northey and Benjamin Storrow, "Bob Murray drafted 6 orders on coal, climate for Trump," *E&E News*, June 6, 2018. https://www.eenews.net/stories/1060083703

[4] Mr. Pruitt's wife Marlyn was paid $2,000 plus travel expenses to provide "logistics" at the summit. Juliet Eilperin, Brady Dennis and Josh Dawsey, "Scott Pruitt enlisted an EPA aide to help his wife find a job — with Chick-fil-A," *Washington Post*, June 5, 2018. https://www.washingtonpost.com/national/health-science/scott-pruitt-enlisted-an-epa-aide-to-help-his-wife-find-a-job--at-chick-fil-a/2018/06/05/b798e4e4-5eac-11e8-9ee3-49d6d4814c4c_story.html?utm_term=.d8ae15293dda

[5] Littlefair is the President and CEO of Clean Energy, a company that provides natural gas and associated equipment to the transportation industry. https://www.cleanenergyfuels.com/about-us/board-of-directors-leadership/board-of-directors/andrew-j-littlefair/

[6] Pickens, an oil and gas industry executive, is a major fundraiser for the Trump-aligned America First Action PAC. https://www.politico.com/story/2017/10/22/trump-texas-fundraising-244047

[7] Logothetis is the chairman and CEO of the Libra Group, which has interests in renewable energy and shipping. https://www.libra.com/en/what-we-do/

[8] FOIA exemption 6 a protects from disclosure information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(6)

In addition, the *New York Times* has reported that EPA officials took steps to hide the fact the Administrator had dinner with Cardinal George Pell on June 9, 2017 in Rome.[9] After Cardinal Pell was charged with sexual assault later that month by Australian authorities, EPA took steps to conceal Cardinal Pell's attendance at the dinner, according to EPA whistleblower Kevin Chmielewski. At least four EPA documents about Administrator Pruitt's trip to Italy, two with names of attendees at the Pruitt-Pell dinner, have been made public by EPA. None identify Cardinal Pell.[10] Moreover, Administrator Pruitt's Outlook calendars show only two meetings while he is in Rome, both of which were redacted pursuant to a "(b)(6)" FOIA exemption.

These episodes leave us with two primary questions, both of which we believe are appropriate for review by your office:

- When faced with congressional or Freedom of Information Act requests for documents, are the practices EPA has established to locate and provide responsive documents adequate to ensure that the responses will be complete and accurate, and not subject to improper interference by political staff?

- Are EPA's practices associated with maintaining and disclosing copies of the Administrator's calendar adequate to ensure that those records are complete, accurate, and not subject to inappropriate redactions or deletions when released to Congress or the public or otherwise improper interference by political staff?

Thank you for considering our request for a thorough review of these issues.

###

[9] Eric Lipton and Lisa Friedman, "Pruitt's Dinner With Cardinal Accused of Abuse Was Kept Off Public Schedule," *New York Times*, May 11, 2018. https://www.nytimes.com/2018/05/11/climate/pruitt-cardinal-pell-dinner.html
[10] Id.

Message

From: Green Guy Media [talkwithgreenguy@gmail.com]
Sent: 3/20/2019 2:04:04 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: ♻ Green Guy Media Newsletter David Rachelson, Head of Sustainability, Rubicon Global

♻ Green Guy Media Newsletter David Rachelson, Head of Sustainability, Rubicon Global

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Volume 109 - March 20, 2019

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March 20th, Georgia State University Sustainability Speaker Series
bit.ly/2ufbCF3
Featuring John Lanier, Executive Director, Ray C. Anderson Foundation

March 9th-23rd, Atlanta Science Festival
atlantasciencefestival.org

March 23rd, Clark Atlanta University Course Redesign Workshop with Sustainability
bit.ly/2Wic3uj

April 3rd, Green Sports Alliance Portland Sports & Sustainability Symposium
bit.ly/2Hxa3ee

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Message

From: DeLaquil, Mark [mdelaquil@bakerlaw.com]
Sent: 6/6/2018 2:09:58 PM
To: Brown, Byron [brown.byron@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: SDWA Aquifer Exemption

Dear Byron,

I am following up to see if any of the dates that I proposed would work. If not, please let me know and I will find other availability.

Best regards,

Mark

Mark DeLaquil
Partner

BakerHostetler
Washington Square
1050 Connecticut Ave, N.W. | Suite 1100
Washington, DC 20036-5304
Ex. (b)(6)

mdelaquil@bakerlaw.com
bakerlaw.com

From: DeLaquil, Mark
Sent: Thursday, May 31, 2018 4:26 PM
To: Brown, Byron <brown.byron@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: SDWA Aquifer Exemption

Dear Byron,

I would prefer in person if that works for your schedule. One or more of the other folks working with Florence Copper may join us and I think it would be more productive that way. Please let me know if there is any day on June 13, 14, 18, 19 or 20 that works for your schedule. If not, I will suggest alternative dates.

Best regards,

Mark

Mark DeLaquil
Partner

BakerHostetler
Washington Square
1050 Connecticut Ave, N.W. | Suite 1100
Washington, DC 20036-5304
Ex. (b)(6)

mdelaquil@bakerlaw.com
bakerlaw.com

From: Brown, Byron <brown.byron@epa.gov>
Sent: Wednesday, May 30, 2018 4:41 PM
To: DeLaquil, Mark <mdelaquil@bakerlaw.com>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: SDWA Aquifer Exemption

Hi Mark – Happy to chat. Let me know if you want to discuss in person or over the phone.

From: DeLaquil, Mark [mailto:mdelaquil@bakerlaw.com]
Sent: Tuesday, May 29, 2018 5:07 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: SDWA Aquifer Exemption

Dear Ryan and Byron,

I hope all is well.

I am reaching out concerning the status of a longstanding aquifer exemption under the SDWA that, Florence Copper, Inc., which I represent, is relying on for its operations.

We would appreciate the opportunity to meet with you or another appropriate EPA official to discuss issues surrounding that aquifer exemption. Florence Copper has received a permit for a production test facility, as the first step in ultimately beginning full scale operations on a mine that is projected to create $3.4 billion in economic activity for and nearly 800 jobs in the State of Arizona.

One note so that you are fully informed, there is currently pending regulatory litigation related to the aquifer exemption and Florence Copper's permit. DOJ has granted permission for me to reach out directly to EPA on this matter but has requested that I inform it of the meeting, as it may wish to have an attorney attend.

Thanks for your time.

Best regards,

Mark

Mark DeLaquil
Partner

Washington Square
1050 Connecticut Ave, N.W. | Suite 1100
Washington, DC 20036-5304
Ex. (b)(6)

mdelaquil@bakerlaw.com
bakerlaw.com

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Message

From: Kevin M. Ex. (b)(6)
Sent: 6/15/2018 6:51:49 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: I Spoke to Director Pruitt after Senate Appropriations meeting regarding top Environmental Issue

Ryan-It was a pleasure talking with Director Pruitt briefly after the Senate Appropriations meeting on May 16th about wireless radiation's cancerous and neurological health effects which **he said he was familiar with from his work as Attorney General of Oklahoma. We are requesting a meeting with Director Pruitt to discuss this critically important issue.**

I am the Outreach Director for the Brain Tumor Association (Calibta.org) and I collaborate with more than **200 scientists and doctors who are expert in wireless radiation health effects (5Gappeal.eu)** I and our expert Cancer Epidemiologist, Physicist, Toxicologist, Cellular Biologist and Medical Doctors will be participating in the meeting with Director Pruitt.

Given the widespread use of wireless radiation and **CLEAR EVIDENCE that wireless radiation is a form of air pollution that is essentially electrosmog** and recent scientific evidence proves that this electrosmog can cause cancer and neurological disease.

NTP Peer Review: Actions from Peer Review of the $25 million NTP Study and Technical Reports on Cell Phone Radiofrequency Radiation March 26-28, 2018 Click HERE

Wireless radiation's Carcinogenicity, Neurotoxicity and ability to impair immune system functioning as well as damage reproduction were identified as problems by the EPA in the early 90's when they had programs researching and reporting on the issue:

EPA Report: ELECTRIC AND MAGNETIC FIELDS: AN EPA PERSPECTIVE ON RESEARCH NEEDS AND PRIORITIES FOR IMPROVING HEALTH RISK ASSESSMENT Click HERE For EPA Report.

And at the time the EPA's air radiation department was outspoken about the inadequacy of our safety guidelines and the possible dangers related to cancer and other serious disease:

Letter From EPA's Center For Science and Risk Assessment, Radiation Protection Division: Click HERE

More recently, we have this report from 7 leading German scientists showing the direct damage to our environment, wildlife and our ecosystem that wireless radiatin can do along with years of studies showing that cell tower radiation harms wildlife.

BEES, BIRDS AND MANKIND Destroying Nature by 'Electrosmog' Ulrich Warnke: Click HERE

US Depart of the Interior Letter pointing out how cell tower radiation harms birds: Click HERE

We feel this **meeting is imperative to have NOW** with the forced roll out of 5G Wireless Technology which will require a cell tower transmitter every 500 ft **connecting millions of new transmitters in everything from household appliances** to baby bottles emitting high density wireless radiation (24-90GHz) massively increasing our mandatory exposure to harmful wireless microwave radio frequency radiation. All of this new

radiation exposure is being **exempted from Environmental,** Health and Safety review irrespective of the thousands of studies showing harmful biological effects to all living things (www.bioinitiative.org).

We are asking for a meeting with Director Pruitt to discuss these issues in more detail and most importantly to **discuss safe alternatives** that will minimize rather than maximize our exposure to wireless radiation. We understand that Director Pruitt granted a meeting himself with Moms Clean Air Force and we are hoping to be given the same opportunity.

Please let us know **as soon as possible when Director Pruitt can meet** with our experts to address this very serious issue that affects our entire population. Please let us know that you received this email and it was not caught in one of your agency filters. I look forward to your response.

Sincerely yours,

Kevin Mottus
The Brain Tumor Association, Calibta.org
Ex. (b)(6)

Message

From: Mike Soraghan [msoraghan@eenews.net]
Sent: 7/2/2018 2:54:24 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: question from reporter on FOIA docs

You're welcome. Thank you for getting back to me.

Mike Soraghan
E&E News reporter
msoraghan@eenews.net
Ex. (b)(6)
@MikeSoraghan

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From: Jackson, Ryan [mailto:jackson.ryan@epa.gov]
Sent: Monday, July 02, 2018 10:51 AM
To: Mike Soraghan <msoraghan@eenews.net>
Subject: RE: question from reporter on FOIA docs

I don't think it is a different direction. A chief of staff has specific responsibilities, but broader responsibilities to ensure a variety of things get completed, addressed, and worked out. Thank you for the acknowledgement of succeeding in getting some things accomplished though. I try to do that.

From: Mike Soraghan [mailto:msoraghan@eenews.net]
Sent: Monday, July 2, 2018 10:34 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: question from reporter on FOIA docs

Mr. Jackson,

Mike Soraghan here at E&E. You called me to talk about Tar Creek a couple of months ago. I'm writing to ask about a separate matter. The recent FOIA documents indicate that you were key a point of contact for lobbyists, such as those for the pork producers, highway builders and Monsanto. It also indicated you succeeded in getting things done for them. Is that the traditional role of chiefs of staff in previous administrations? Have you taken it in a different direction?

Thanks,

Mike Soraghan
E&E News reporter
msoraghan@eenews.net
Ex. (b)(6)
@MikeSoraghan

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

Message

From: Ryan Jackson Ex. (b)(6)
Sent: 6/25/2018 11:59:14 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Updated Legal Resume June 2018.docx
Attachments: Updated Legal Resume June 2018.docx

Ryan Jackson
Ex. (b)(6)

Ex. (b)(6)

Ex. (b)(6)

Message

From: gene warner Ex. (b)(6)
Sent: 7/9/2018 5:03:45 PM
To: Barnet, Henry [Barnet.Henry@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Wheeler, Andrew [wheeler.andrew@epa.gov]
Subject: Ex. (b)(6) Unethical and Illegal Acts

Ex. (b)(6)

I am submitting this anonymously.

I have shared this with CNN and the NY Times and I informed the EPA OiG.

Message

From: Zipkin, Adam (Booker) [Adam_Zipkin@booker.senate.gov]
Sent: 6/13/2018 9:11:04 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: RE:
Attachments: 2018_06_13_Sen Booker Letter to Dr. Scarano.pdf

Hey Ryan-

FYI Sen. Booker submitted the attached letter today.

Adam

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Monday, May 21, 2018 10:37 PM
To: Zipkin, Adam (Booker) <Adam_Zipkin@booker.senate.gov>
Subject: Re: RE:

Very cool to write a provision and see it implemented. Done by June 22 written anyway and final and implementing starts.

Ryan Jackson
Chief of Staff
U.S. EPA
Ex. (b)(6)

On May 21, 2018, at 9:39 PM, Zipkin, Adam (Booker) <Adam_Zipkin@booker.senate.gov> wrote:

> Thanks for the update!
>
> ---
>
> **From:** Jackson, Ryan <jackson.ryan@epa.gov>
> **Sent:** Saturday, May 19, 2018 11:37 AM
> **To:** Zipkin, Adam (Booker) <Adam_Zipkin@booker.senate.gov>
> **Subject:**
>
> Just to keep you updated, we are releasing the alternative strategies plan on the 2nd anniversary of Lautenberg June 22 with 4 other implementations.
>
> Ryan Jackson
> Chief of Staff
> U.S. Environmental Protection Agency
> Ex. (b)(6)

CORY A. BOOKER
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United States Senate

June 13, 2018

Louis Scarano, PhD
US Environmental Protection Agency
Office of Pollution Prevention and Toxics
Washington, DC 20460

Re: Strategic Plan to Promote the Development and Implementation of Alternative Test Methods

Dear Dr. Scarano:

I am pleased to see that the draft strategic plan EPA has published makes the statement that the Agency's "long-term goal is to move towards making TSCA decisions with NAMs in order to reduce and eventually eliminate vertebrate animal testing for TSCA." This long-term goal is consistent with Congress's intent to modernize toxicity testing methods to better predict human and environmental health outcomes.

I would like to add some comments about Appendix B to the strategic plan.

Appendix B is meant to contain a list of …"alternative test methods or strategies the Administrator has identified that do not require new vertebrate animal testing…." The list in the draft Appendix is a good start, because it lists not only traditional test guidelines but also guidance documents and other items which will facilitate a flexible approach to toxicity assessment and the use of alternative methods.

While the intention of the list pursuant to 15 U.S. Code § 2603(h)(3)(A) is to instruct persons developing information for submission to EPA of alternative test methods and strategies that must be utilized prior to conducting new vertebrate animal testing, it is not intended to be a list of the only methods that EPA will accept. I request that the Agency find a way to clearly communicate that the Agency intends to accept other scientifically valid methods and strategies which are not listed in the Appendix--that the list is not an exclusive list. Such a statement would signal to companies that data from other methods that may be used in house are welcome to be submitted.

Information on new test methods that may be of use to EPA is frequently published in the scientific literature. However, the plan is missing the description of a regular mechanism for evaluation and uptake of new methods, whether they come from inside or outside the Agency. I encourage the newly-formed TSCA NAM Team to consider and create a workflow for regular identification, evaluation, and uptake of new methods or strategies into the list in order that the list can remain up to date.

I am also aware that the Administration has cut research funding and staffing in 2017 and 2018. I am concerned that these cuts will not allow the Agency to fulfill its obligations to reduce and replace vertebrate animal testing. In order to increase the acceptance of New Approach Methodologies, chemical review staff need to have the funding and time to be properly and regularly trained, and to have the time to read about and keep up to date on new approaches. Please indicate specific steps EPA will take to address this issue.

Thank you for your consideration.

Sincerely,

Cory A. Booker
United States Senator

Message

From: Matthew Buckham Ex. (b)(6)
Sent: 6/14/2018 1:16:56 PM
To: Bennett, Tate [Bennett.Tate@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: Job Fair Friday

Thanks Tate, we have you confirmed.

Matt

On Wed, Jun 13, 2018 at 9:41 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

> Matt- Just wanted to confirm EPA will be participating on Friday and we will plan to arrive around 1:45. Ryan has forwarded me the info you suggested we bring. Thanks! Tate

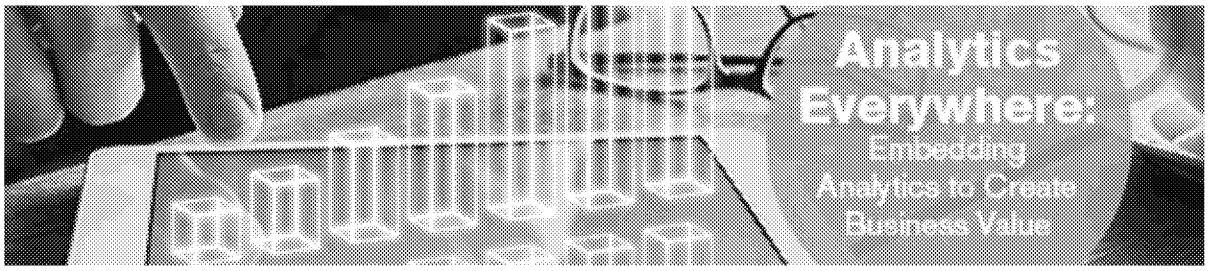
Message

From: Qlik [qlikwebinars@qlik.com]
Sent: 7/9/2018 4:59:58 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Last chance for webinar: Embedding Analytics Applications

To view this email as a web page, click here

Qlik

Forward to a colleague



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From: Marc Himmelstein [Marc_Himmelstein@nes-dc.com]
Sent: 7/9/2018 4:59:05 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Binder, Gordon
Attachments: Binder, Gordon.vcf; ATT00001.txt

Here it is

Contact

Full Name: Binder, Gordon
Last Name: Binder, Gordon

Business Phone: Ex. (b)(6)

E-mail: gordon.binder@wwfus.org

Message

From: Bloomberg Environment [bnaehs@info.bloombergenvironment.com]
Sent: 6/25/2018 2:02:16 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: [Free Report] Stay Ahead Of Potential Regulation Of Emerging Contaminants.

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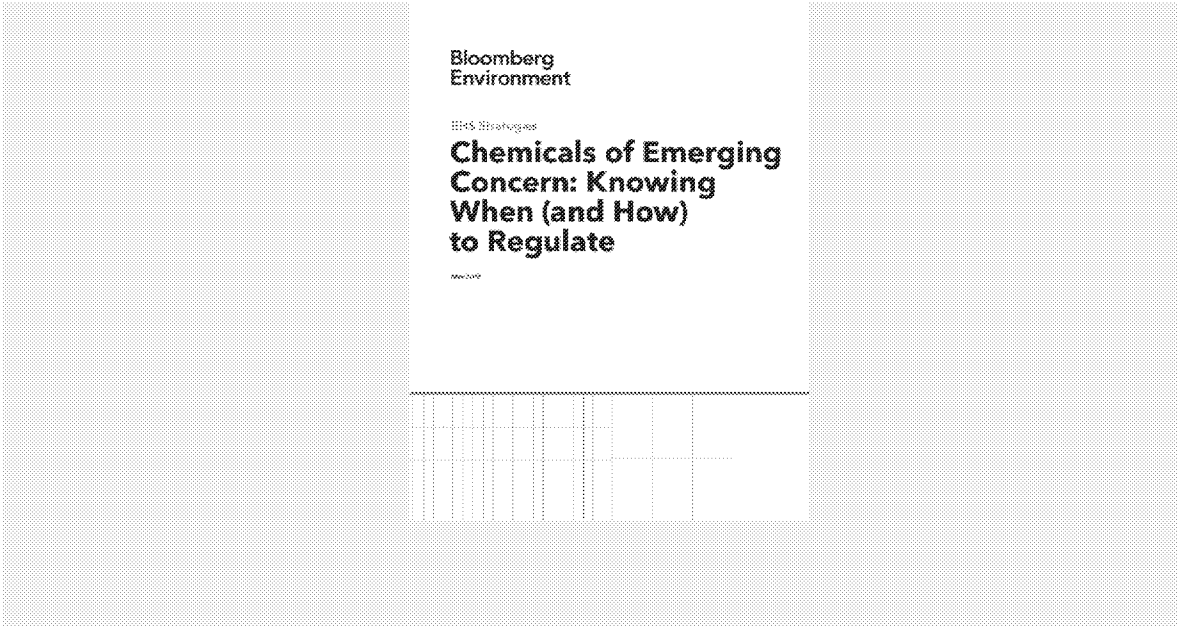

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Message

From: Jeff Lambert [jlambert@alec.org]
Sent: 6/28/2018 4:05:47 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Courtney Cook [ccook@alec.org]
Subject: ALEC 45th Gala
Attachments: Adminstrator Pruitt.pdf; 2018 ALEC 45th Brochure V8 (2).pdf

Dear Mr. Jackson,

Please find attached the formal request to Administrator Pruitt to serve as a national Honorary Co-Chair of the 45th Anniversary of ALEC and the invitation to attend the gala September 26th, 2018. This same request was approved by Department of Energy Designated Ethics Officer for Secretary Perry. Our program goes to printer in two weeks so need answer on July 10th. Please let me know what we can do to help facilitate a response in order that we can add Administrator Pruitt's name to our Gala Co-Chairs committee.

I wanted to formally acknowledge that we will list him as The Honorable Scott Pruitt.

Please note we intend to list all Honorary Chairs of the event:

- The event's Fact Sheet (attached)
- The print invitation - being mailed July 23
- The printed program - distributed the evening of the event

If approved, assuming we consistently list him as the Honorable Scott Pruitt, is there anything else we need to do?

Thank you for your assistance.

Jeff

Jeff Lambert, CAE
Vice President, Member Relations
American Legislative Exchange Council
2900 Crystal Drive, Suite 600
Arlington, VA 22202

Ex. (b)(6)
F: (703) 373-0927
Email: jlambert@alec.org

ALEC

Upcoming Meetings:
2018 Annual Meeting – August 8-10, 2018 – New Orleans, Louisiana
45th Anniversary Gala – September 26, 2018 – Washington, D.C.
2018 States & Nation Policy Summit – November 28-30, 2018 – Washington, D.C.

The American Legislative Exchange Council is a 501(c)3 nonprofit organization and is the largest nonpartisan, voluntary membership organization of state legislators in the United States dedicated to the principles of limited government, free markets and federalism. The Council is governed by state legislators who comprise the National Board of Legislators and is advised by the Private Enterprise Advisory Council, a group of private, foundation and think tank members.

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Wednesday
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45 years ago a small group of state legislators met in Chicago to implement a vision: A nonpartisan membership association for state lawmakers who shared a common belief in limited government, free markets and federalism. Their vision and initiative resulted in the creation of a voluntary membership association for people who believed that government closest to the people was fundamentally more effective. At that meeting state legislators, including then-Illinois State Rep. Henry Hyde and Iowa State Rep. Terry Brandstad, and Lou Barnett, a veteran of then-Gov. Ronald Reagan's 1968 presidential campaign, launched the American Legislative Exchange Council (ALEC). The creation of ALEC Task Forces was a result of President Ronald Reagan's vision to restore the balance of power away from Washington, returning power to the states.

2018 is ALEC's 45th anniversary year, a year in which to celebrate ALEC's leadership with a history of offering real solutions to the top issues facing the states. ALEC's effectiveness has demonstrated for decades that good ideas are better when shared! We will come together at a spectacular celebration at the ALEC 45th Anniversary Gala on Wednesday, September 26, 2018 at the Trump International Hotel in Washington, D.C. Attendees will include members of the Administration, Members of Congress, state legislators, policy experts, and philanthropic and esteemed business leaders.

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- One seat on the event Host Committee

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- Recognition on the ALEC website and in the ALEC annual report
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Ms. Mariana Nork
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Address: _____

City: _____ State: _____ Zip: _____

Telephone : _____ Fax: _____

Email: _____

Signature (required): _____

I would like to support the **ALEC 45th Anniversary Gala** at the following level:

- ☐ **$100,000 Thomas Jefferson Sponsor (ONLY TWO AVAILABLE)**
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American Legislative Exchange Council
2900 Crystal Drive, Suite 600
Arlington, VA 22202
TEL 703.373.0933 • FAX 703.373.0927
www.alec.org

June 28, 2018

The Honorable Scott Pruitt
Administrator, Environmental Protection Agency
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Pruitt:

I have the great pleasure of writing you on behalf of the American Legislative Exchange Council (ALEC) to request that you lend your name as an Honorary Chair of ALEC's *45th Anniversary Gala* on September 26, 2018 at the Trump International Hotel in Washington, DC.

Administrator Pruitt, we hope you will allow us to recognize you as an Honorary Chair of this very special event for ALEC. This is a name listing only, joining many other friends of ALEC and supporters of the ALEC mission who want to help celebrate all that ALEC has stood for and accomplished in its first 45 years. Your membership in ALEC when you served in the Oklahoma legislature is something of which ALEC is very proud and we would like to honor and showcase your historic relationship with ALEC.

45 years ago, a small group of state legislators met in Chicago to implement a vision: a nonpartisan membership association for state lawmakers who shared a common belief in limited government, free markets and federalism. Their vision and initiative resulted in the creation of a voluntary, nonpartisan membership association for people who believed that government closest to the people was fundamentally more effective.

2018 is ALEC's 45th anniversary year, a year in which to celebrate ALEC's leadership with a history of offering real solutions to the top issues facing the states. ALEC's effectiveness has demonstrated for decades that good ideas are better when shared. We will come together at a spectacular celebration at the *ALEC 45th Anniversary Gala*. Attendees will include members of the Administration, Members of Congress, state legislators, policy experts, and philanthropic and esteemed business leaders.

Never has ALEC's work and priorities been more timely, relevant, or critical. Because of your demonstrated commitment to these same principles, we hope you will accept our invitation to be an Honorary Chair and to attend the *ALEC 45th Anniversary Gala*. Thank you for your consideration.

Sincerely,

Lisa B. Nelson
Chief Executive Officer
American Legislative Exchange Council

Message

From: Chris Meyers [cmeyers@oaec.coop]
Sent: 6/15/2018 8:20:00 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: synopsis

Thank you Ryan

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Friday, June 15, 2018 3:18 PM
To: Chris Meyers <cmeyers@oaec.coop>
Subject: synopsis

The coops helped us get this done in Congress last year, and EPA awarded the first approval to Oklahoma or will Monday.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency
Ex. (b)(6)

Message

From: John Brezinsky [johnbrezinsky@cq.com]
Sent: 7/12/2018 6:38:21 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Tracking the budget? CQ offers the most comprehensive tools available.

Good afternoon,

We've been hearing from a number of agencies about their upcoming spending deadline, and I wanted to let you know about some of the benefits that CQ could bring you (and your budget).

No matter what provider you're currently using, CQ's services can complement them perfectly. We offer a variety of specialty products available nowhere else.

- **The deepest archive available.** CQ's bill text, amendments, transcripts, floor votes and more go back 30 years.
- **Side-by-side bill comparison.** All services let you see two bills, but CQ lets you view them side by side, so you can see exactly where the differences are quickly and easily.
- **Comprehensive schedules.** We tell you everything that's going to happen, not just highlights, so you never miss a hearing.
- **Laser-focused alerts.** If you're not using CQ, you probably get more alerts than you have time to process. Adding our service will add only the most important updates to your email.
- **The most detailed appropriations data available.** Track the appropriations that will affect your agency, compare them to previous years, and understand what it will mean for your office.
- **Bill predictions from experts, not algorithms.** Every week, CQ Predict goes through the most important bills and analyzes their likelihood of passage based on human analysis.

There's a lot more, but that's a good sampling. One of our government-contracting experts would be happy to explore your needs and help find a solution that matches.

Schedule an appointment now.

You can also copy and paste the following into your browser: Ex. (b)(6)
Ex. (b)(6)

All the best,

John Brezinsky
CQ

This email was sent to jackson.ryan@epa.gov. You may change your email subscription settings at any time by clicking here.

Message

From: Lipton, Eric [lipton@nytimes.com]
Sent: 6/5/2018 3:40:03 PM
To: Wilcox, Jahan [wilcox.jahan@epa.gov]; Minoli, Kevin [Minoli.Kevin@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Question about ethics guidance here re U of K game (response needed by Wednesday at noon)
Attachments: 2017_12_17 Basketball Ethics Review.pdf; 2017_12_28 Kentucky game emails 0503124923664.pdf; 2018_5_23 U of K 5-23-18.pdf; 2007_2_9 OGE Tickets Guidance.pdf; 2015_5_5 OGE Guidance.pdf; RUPP ARENA seating_fullhouse2-ce8d6f60bb.pdf; 2018_5_24 - Uk response 3 - craft tickets.pdf; kfund_brochure_060118.pdf; PRUITT merlin_138970995_e945672f-ce75-4be3-9907-d69fcc605e81-superJumbo.jpg

Hello Jahan
,
Kevin
and Ryan

We are writing to address an issue that has emerged based on an examination of materials we received from EPA and University of Kentucky that conflict.

You guys sent us a letter,
(
attachment
2017-12_17)
last week that details the ethics review before Mr. Pruitt attended the UofK game.

Information we have assembled, also attached below, s
hows clearly
that this analysis was flawed and that Mr. Pruitt did not comply with federal ethics rules with regard to this game, perhaps as a result of bad or incomplete ethics advice he received.

I wanted to walk through this with you and find out what explains the discrepancy.

The tickets that Mr. Pruitt used to attend the Kentucky game were clearly worth more than $130 a piece. Far more. We asked t
hree
ticket companies to give us some actual sales prices on tickets in the same area where Mr. Pruitt sat and this is what they told us. Here is what they told us ticket in this area sold for re this same game, on this same date. Minimum price was $475, maximum price was $1200.

"
We sold good lower level tickets for that game for around $800 each, including a pair for $1200 each
", one individual who has spent two decades selling tickets for Kentucky games told us. These are direct sales of these tickets. Not resales.

Part of the reason the sales price was so high is that these tickets are not sold directly to the public. It is impossible to buy them
directly from the university unless you are among the biggest givers to Kentucky. That is an inherent part of their value.

As attachment
s show (SEE KFUND BROCHURE attachment,page 9 and also

attachment
UK-5-23-18)
, you need to have contributed at least $1 million to the university, and then you have the right to buy season tickets.
In other words, to purchase season tickets at Rupp Arena in the lower level, we have been told, you have to pledge $100,000, payable over 10 years. Once you have paid that off, you are still on the hook for the annual K Fund donation level for your seats, plus the face value.

The season tickets used by Mr. Pruitt --in SECTION FL39, see attached email below
(
UK RESPONSE 3 and UK 5-23-18 and arena seat map
and attached photograph)
cost $1,300 each, the equivalent of $130 per game, the university said. But that is not their true value. As again,
you can only buy these seats if you have donated $1 million.

Factoring in that $1 million donation to arrive at a fair market value for those tickets Mr. Pruitt used is certainly complicated. But it is clearly not simply $130 per game, as the sales on the open market show.

The Office of Government Ethics
(2007 and 2015)
has issued guidance for how to address this situation, attached below, on at least two occasions. 5 CFR 2635.203 also offers some guidance
, quoted here.

EXAMPLE 4 TO PARAGRAPH (C):
A company offers an employee of the Federal Communication Commission (FCC) free attendance for two to a private skybox at a ballpark to watch a major league baseball game. The skybox is leased annually by the company, which has business pending before the FCC. The skybox tickets provided to the employee do not have a face value.

To determine the market value of the tickets, the employee must add the face value of two of the most expensive publicly available tickets to the game and the market value of any food, parking or other tangible benefits provided in connection with the gift of attendance that are not already included in the cost of the most expensive publicly available tickets.

But the EPA General Counsel's office never went through this exercise, the emails you provided to us show.

Also the email from the OGC says that Mr. Pruitt would pay for the tickets to Mr. Craft by check, which would create a record of the payment. When we asked the EPA about this, the agency told us that the payment was by cash. That means there is no way to confirm that the payment was actually made. It also did not honor the email that described the ethics approval.

Here are some questions

1) What happened here, with respect to the approach the EPA took in deciding what the value of these tickets? Why was the wrong advice provided? Did the OGC make an error? Or was it provided incomplete information?

2) Why did this happen? Meaning, why did this oversight/bad advice occur?
3

) What is going to be done to correct this situation, so that Mr. Pruitt has not violated the federal gift ban? As clearly he received a gift from Mr. Craft, based on the fair market value of these tickets? Can you provide us with documentation as to how he is going to resolve this matte

r and when it will be addressed.

4
) What follow up is necessary to confirm that the $130 payment was actually made, given that no check was used and can you provide documentation to us that this payment was made?
We look forward to discussing this matter with you.

We are not going to write a piece until we have your input.

But we do respectfully ask that you do not simply dismiss this with a general statement that does not address the above questions.

Thank you in advance

A response to these questions by Wednesday at noon is requested.

Please keep this matter private.

We are trying to respectful here in getting your input.

Eric

United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

February 9, 2007
DO-07-003

MEMORANDUM

TO: Designated Agency Ethics Officials

FROM: Robert I. Cusick
Director

SUBJECT: Valuation of Gifts of Admission to an Event in a Skybox or Private Suite

It has come to our attention that agencies may be giving varying advice about how to determine the value of gifts of attendance to events in skyboxes or private suites. Correctly valuing gifts is critical to determining whether an employee may accept a gift from an outside source and, for employees required to file financial disclosure reports (SF 278 and OGE Form 450), if the gift must be reported and at what value. We hope the following explanation clarifies how to value a gift of attendance to an event in a skybox or private suite.

Generally, a Federal employee may not accept gifts from "prohibited sources,"[1] or gifts given because of his official position.[2] See 5 C.F.R. § 2635.201. There are a number of exceptions and exclusions to this general prohibition,

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[1] Prohibited sources of gifts include persons and entities which seek official action by the employee's agency, do business or seek to do business with that agency, are regulated by the agency, or have interests that can be substantially affected by the employee's official activities (as well as any organization the majority of whose members are prohibited sources). See 5 C.F.R. § 2635.203(d).

[2] A gift is given because of an employee's official position if the donor would not have given the gift if the employee had not held a position with the Federal Government. See 5 C.F.R. § 2635.203(e).

including an exception for individual items with a value of less than $20 per occasion and a total of $50 from a source in one calendar year. 5 C.F.R. § 2635.204(a). Because of this exception based on the value of the gift, an employee's ability to correctly value the gift of admission to an event is critical.

If an employee is required to file a financial disclosure report, he also must apply a second set of rules that govern which gifts of tickets he must report and how he must value them for reporting purposes. The rules governing the *acceptance* of gifts are not identical to the rules governing the *reporting* of gifts. Sometimes an employee may be permitted under an exception in the Standards of Ethical Conduct for Employees of the Executive Branch (Standards) to accept a gift that is not required to be reported under financial disclosure rules (e.g., a book from an agency contractor valued at $15.) Conversely, an employee may have to report a gift even though it is not prohibited under the Standards of Conduct because it is not from a prohibited source or given because of official position (e.g. tickets valued at $350 to a football game, given by a college friend).

A filer must report each gift received that is worth at least $122 when the total value of all such gifts from one source exceeds $305 in a calendar year.[3] 5 U.S.C. app. § 102(a)(2)(A) and § 107(a)(1); 5 C.F.R. § 2634.907(g)(1) and (3). The filer is required to accurately identify the source of the gift, the value of the gift, and a brief description of the gift. See 5 U.S.C. app. § 102(a)(2)(A); 5 C.F.R. § 2634.304(a); 5 C.F.R. § 2634.907(g)(1). The definition of "gift" excludes, among other things, "food and beverages which are not consumed in connection with overnight lodging." 5 U.S.C. app. § 109(5)(D).

For both acceptance and reporting purposes, numerous questions have arisen about how to value a gift of tickets that cannot be purchased by the general public, such as those

---

[3] These threshold amounts are adjusted periodically for inflation.

in a sky box or other private suite.[4] To determine the value of gifts from outside sources, employees are required to use "market value," which is defined in the gift regulations as "the retail cost the employee would incur to purchase the gift." 5 C.F.R. § 2635.203(c). Generally, the value of admission to an event entitling the holder to food and entertainment is the face value of the ticket. Id. However, with a sky box or private suite, there is no publicly available ticket to use to determine market value. The gift regulations provide that where an employee cannot ascertain the market value of a gift, he "may estimate its market value by reference to the retail cost of similar items of like quality." Id.

The Office of Government Ethics consistently has advised that a gift of attendance in a skybox or private suite is determined by adding the market value of the most expensive publicly available ticket to the event to the market value of the food, parking and other tangible benefits provided in connection with the gift of attendance. Assume, for example, that an employee is offered free admission for two to a private suite at an arena to view a music concert. The most expensive ticket available to the public at retail for that event is $150. However, in addition to the value of entrance to the event, attendance in the private suite comes with food and beverages provided during the concert valued at $50 per person[5] and a parking pass with a market value of $25. Thus, the total value of the gift to the employee is $425: $300 for the admission for two, plus $100 for the food and beverages for two, plus $25 for the parking pass.

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[4] Skyboxes or other private suites generally are leased on a yearly basis, therefore separate tickets to attend a single event in a sky box or private suite cannot be purchased from the venue.

[5] An employee may determine the value of the food and beverages he has received as part of his attendance by dividing the cost of the food and beverages bill for the suite by the number of attendees in the suite or he may estimate the value by using the prices listed in the venue's skybox/private suite catering menus for the items provided.

Financial disclosure filers are subject to essentially the same valuation requirements, but may subtract the value of the food and beverages consumed at the event from the amount reported. [6] 5 U.S.C. app. § 109(5)(D) and 5 C.F.R. § 2634.304(e)(note). Thus, in the example above, the filer would be required to report $325 as a gift of admission to the event on his SF 278 or OGE Form 450. He would arrive at the reportable value of the gift of admission to the event by adding the $300 value for the two admissions and the $25 value for the parking pass.

We caution that each tangible benefit included in the gift of free admission is not a separate gift that may be excluded from the filer's report based on its individual market value.[7] Thus, the parking pass in the above example is

---

[6] There is an apparent inconsistency between Example 3 to 5 C.F.R. § 2634.304(d) and the Note to 5 C.F.R. § 2634.304(e) in the method for valuing tickets to events that include food and beverages not consumed in connection with overnight lodging for reporting purposes. Those consumables are excluded from the definition of "gift" for report purposes under 5 U.S.C. app. § 109(5)(D). The Note provides the correct method for valuation. The reportable value of a ticket to an event is the market value of the ticket minus the value of food and beverages not consumed in connection with overnight lodging. Example 3 may be read to suggest that the entire value of the ticket need not be reported even though it is (intended) to exceed the required monetary reporting threshold because of the food and beverages reporting exclusion. This would be true only if the value of the food and beverages consumed was equal to the full market value of the ticket to the event. There also is a mathematical error in Example 3 to 5 C.F.R. § 2634.304(d) (two tickets valued at $150 each do not exceed the $305 threshold as suggested in the example). The value of the two tickets should have been adjusted at the same time as the $305 threshold so that the total would exceed the $305 threshold. This will be corrected in the next revision of the Standards.

[7] Likewise, a group of tickets received by a filer for one event is a single gift for reporting purposes. The individual tickets cannot be divided up as separate gifts for determining whether the reporting threshold has been met.

part of the value of the free admission to the event that must be reported. It may not be treated as a separate gift, and in this case, is not exempt from reporting as a gift valued at less than $122.[8]

We understand that some venues may prepare skybox or private suite tickets that include a purported "face value." An employee may not rely on the price stated as the correct fair market value if the tickets to attend the event in the skybox or private suite are not available for purchase by the general public at that "face value" amount. Rather, the employee must determine the fair market value of the total gift of free attendance by adding the value of all tangible benefits received with the admission to the value of the highest priced publicly available ticket to the event. See 5 C.F.R. § 2635.203(c).

[8] This threshold amount is adjusted periodically for inflation.

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

May 5, 2015
LA-15-05

LEGAL ADVISORY

TO: Designated Agency Ethics Officials

FROM: David J. Apol
General Counsel

SUBJECT: Determining the "Market Value" of Events When No Fee is Charged to Attend

The U.S. Office of Government Ethics (OGE) has recently received a number of questions regarding how employees should calculate the "market value" of an event for purposes of the gift rules at 5 C.F.R. § 2635, Subpart B, where no entrance fee is charged to any person to attend the event. This Legal Advisory clarifies that to determine the "market value" of an event where no fee is charged to any attendee, employees should aggregate the market value of any food, beverages, entertainment, or other tangible benefit offered to attendees in connection with the event, but do not need to consider the cost incurred by the sponsor to rent the venue where the event is held. In the alternative, an employee may elect to rely on a per-person cost estimate provided by the sponsor of the event, unless the estimate is implausible or would be inconsistent with a fair value estimate.

The term "market value" is defined as the "retail cost the employee would incur to purchase the gift." 5 C.F.R. § 2635.203(c). Where an employee is charged to attend an event, the market value is generally the entrance fee or the face value of the ticket. *Id.* Where an employee cannot ascertain the market value of a gift, such as at an event where there is no entrance fee, OGE has provided that an employee can estimate the market value "by reference to the retail cost of similar items of like quality." 5 C.F.R. § 2635.203(c).

What constitutes the "cost of similar items of like quality" depends on the gift that is being offered. For example, OGE advised in 2007 that the cost of free admission to sit in a private skybox or suite at an event for which "there is no publicly available ticket to use to determine market value" is "determined by adding the market value of the most expensive publicly available ticket to the event to the market value of the food, parking and other tangible benefits provided in connection with the gift of attendance." OGE Informal Advisory Opinion 07 x 2. That opinion did not require the employee to independently factor in the rental costs of the skybox.

ED_002480_00069568-00001

This method of determining "market value" also applies to determining the "market value" of an event when there is no fee charged to any attendee. However, because there is no "publicly available ticket" or entrance fee charged to any attendee, the market value of a gift of admission to such events is calculated by adding the market value of food, beverages, entertainment, and other tangible benefits offered to attendees. The market value of these items is based on the cost an employee would incur to obtain similar items at a comparable location or event. As in the case of determining the market value of free admission to a skybox or suite, the calculation does not need to include a per-person estimate of the cost that the sponsor or host incurred to rent the venue where the event is held.

This analysis is also consistent with other prior guidance in this area. As OGE explained in 2007, "Where no attendance fees are charged [to attend an event] and the only personal items given to employees are refreshments or meals, employees may be able to rely on provisions in the OGE gift rules other than the WAG exception. *See* 5 C.F.R. §§ 2635.204(a)($20 *de minimis* exception); 2635.203(b)(1)(exclusion for modest refreshments)." OGE Informal Advisory Opinion 07 x 14, note 9; *see also* OGE Informal Advisory Opinion 98 x 15. That guidance did not instruct employees to factor in the rental costs of the event venue. Furthermore, the opinion provided that in certain circumstances the exclusion for modest refreshments may be available. As rental costs would not constitute modest refreshments, it is clear that OGE did not intend for employees to consider such costs in the circumstances described in the opinion.

Employees who are considering attending an event where there is no cost charged to any attendee are encouraged to seek advice from the appropriate agency ethics official regarding how to value the gift of attendance to such events, as well as whether attendance would be permissible under the gift rules.

ED_002480_00069568-00002

From: Ford, Hayley <ford.hayley@epa.gov>
Sent: Wednesday, May 30, 2018 11:10 AM
Subject: FW: Ethics Approval: UK/Louisville Basketball Game

Hayley Ford
Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency
ford.hayley@epa.gov
Phone: 202-564-2022
Ex. (b)(6)

From: Keith, Jennie
Sent: Tuesday, December 19, 2017 2:20 PM
To: Ford, Hayley <ford.hayley@epa.gov>
Cc: Hupp, Millan <hupp.millan@epa.gov>
Subject: RE: Ethics Approval: UK/Louisville Basketball Game

Hi there!

Please proceed!

I was able to talk with Justina today just to make sure of everything. And everything as we discussed and outlined in your email is correct.

Thanks!
Jennie for OGC/Ethics

From: Ford, Hayley
Sent: Tuesday, December 19, 2017 1:40 PM
To: Keith, Jennie <Keith.Jennie@epa.gov>
Cc: Hupp, Millan <hupp.millan@epa.gov>
Subject: RE: Ethics Approval: UK/Louisville Basketball Game

Hi Jennie,

Can you please respond to the below so that we can proceed? Thank you!

Hayley Ford
Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency
ford.hayley@epa.gov
Phone: 202-564-2022
Ex. (b)(6)

ED_002480_00069569-00001

From: Ford, Hayley
Sent: Friday, December 15, 2017 10:31 AM
To: Keith, Jennie <Keith.Jennie@epa.gov>
Cc: Millan Hupp (hupp.millan@epa.gov) <hupp.millan@epa.gov>
Subject: Ethics Approval: UK/Louisville Basketball Game

Hi Jennie,

To memorialize our phone conversation, Administrator Pruitt is planning to attend the Louisville/UK men's basketball game on 12/29 in Lexington, KY. He will be bringing his son with him. The tickets are part of Joe Craft's season ticket package on the floor. UK informed Joe that the face value of the tickets is $130 each. The Administrator will write a check to Joe paying for the tickets for him and his son.

Joe Craft is the President & CEO of Alliance Resource Partners. His wife is the US Ambassador to Canada.

Please advise with your ethics guidance.

Thank you!

Hayley Ford
Deputy White House Liaison and Personal Aide to the Administrator
Environmental Protection Agency
ford.hayley@epa.gov
Phone: 202-564-2022
Ex. (b)(6)

Spagnuolo, Amy

From: Brown, Nathan
Sent: Wednesday, May 2, 2018 8:58 AM
To: Spagnuolo, Amy
Subject: FW: EPA Administrator Contact/Info

From: Saylor, Alan
Sent: Thursday, December 28, 2017 12:27 PM
To: Pelarski, Cory <cory.pelarski@uky.edu>; Scott, Walter E <ericscott@uky.edu>
Subject: Re: EPA Administrator Contact/Info

[redacted] I have made arrangements with the Chief for them to have theses passes and she will have them.

Sent via the Samsung Galaxy Note8, an AT&T 4G LTE smartphone

-------- Original message --------
From: "Pelarski, Cory" <cory.pelarski@uky.edu>
Date: 12/28/17 12:00 (GMT-05:00)
To: "Scott, Walter E" <ericscott@uky.edu>
Cc: "Saylor, Alan" <alan.saylor@uky.edu>
Subject: EPA Administrator Contact/Info

LT. Scott,

The EPA Administrator is going to be attending the game tomorrow with his son (college age). They will have [redacted] KSP with them as an advanced party and [redacted] EPA Agents arriving with the Administrator and his son approximately 30-45 min prior to tip off. They will be sitting in front of the Euruption Zone near the UK player entrance at the high table. The Administrator will probably be visiting Mrs. and Mr. Kraft and going to the locker room. The governor will also be in attendance with his group. I have included the contact information for the EPA agent in charge below. He did ask if I would be greeting them and available and I told him unless something changes there will be no UKPD officer available to their team. Mr. Harold (Rupp Security) and Ex. (7)(F) have included me in a group thread if anything changes.

Ex. (7)(F)

Respectfully,
Ofc. Pelarski
Ex. (b)(6)

UK
UNIVERSITY OF
KENTUCKY

Official Records Custodian
301 Main Building
Lexington, KY 40506-0032
859 257-6366
fax 859 323-1062
www.uky.edu

May 23, 2018

VIA EMAIL: steve.eder@nytimes.com

Mr. Steve Eder
New York Times

RE: Open Records Request

Dear Mr. Eder:

This letter is in response to your Open Records Request received by this office on May 18, 2018. You requested the following information:

> "Thanks again for your assistance with this request. I'm hoping you can clarify a couple points. In your response, you advised "that the tickets for the section were Mr. Pruitt was seated are not sold on an individual game basis but rather held by university season ticket holders." It is our understanding that these seats belong to Joe & Kelly Craft, as I am sure you are aware. How much do each of these seats cost, for a season ticket? In addition, is there a minimum donation amount required to secure these seats and if so, can you tell me what that amount is?"

RESPONSE: Pursuant to your most recent request, please be informed that the University's Athletics Department has advised that the cost of a season ticket for section FL39 rows AAA and BBB is $1300 (per seat) for the 2017-18 season. If available as a single game ticket for the U of L game on 12/29/17, the cost would have been $135 per ticket; however, since these tickets were sold in the season ticket package, the cost for this game was $130 per seat. A minimum donation for a pair of seats in section FL39 rows AAA and BBB is for $1million, payable over a specified time.

If we can be of further assistance, please feel free to contact the Open Records Office.

Respectfully,

Bill Swinford
Official Records Custodian

see blue.
An Equal Opportunity University

Lipton, Eric <lipton@nytimes.com>

Uk response 3 - craft tickets allotment

2 messages

Steve Eder <steve.eder@nytimes.com> Fri, Jun 1, 2018 at 4:13 PM
To: Eric Lipton <lipton@nytimes.com>, Hiroko Tabuchi <hiroko.tabuchi@nytimes.com>

——— Forwarded message ———
From: UK Open Records <UKOpenRecords@uky.edu>
Date: Thu, May 24, 2018 at 10:54 AM
Subject: RE: Open Records Request
To: Eder, Steve <steve.eder@nytimes.com>

Please find Mr. Joe Craft's tickets for the 2017-18 season below:

Section FL39: Row AAA: Seats 9,10

Section FL39: Row BBB: Seats 1,2

Section 14: Row J: Seats 11,12

Section 14: Row K: Seats 7-14

Section 15: Row F: Seats 11-14

Section 31: Row S: Seats 7,8

Section 32: Roe CC: Seats 1-4

Section 32: Row F: Seats 9,10

Erica D. Martin

University of Kentucky Office of Legal Counsel
301 Main Building | Lexington, KY 40506-0032
Ex. (b)(6) | F: 859-323-1062
ericad.martin@uky.edu | www.uky.edu/legal

From: Eder, Steve [mailto:steve.eder@nytimes.com]
Sent: Wednesday, May 23, 2018 11:03 AM
To: UK Open Records <UKOpenRecords@uky.edu>
Subject: Re: Open Records Request

Many thanks for this response. I appreciate your responsiveness to our requests and the efforts involved.

FUND

INVEST IN BLUE

A LETTER FROM K FUND

Thank you for your interest in UK Athletics. Within these pages, you will find the goals and vision of the K Fund. As members of the Commonwealth and UK fans, we have so much to be proud of in our athletics department, from championship-caliber programs to world-class facilities to students doing incredible things both on and off the field of competition.

In his time as our Athletics Director, Mitch Barnhart has gone to great lengths to fully invest in all 22 varsity sports of UK Athletics. His priority is to ensure each sport has the maximum number of scholarships and coaches, along with the facilities, equipment and support staff needed for success at the highest level. He has given us five core principles:

- Graduate our students
- Be fiscally responsible
- Provide a first-class experience for our students, fans and the university
- Teach the value of service in our communities
- Compete for championships

Within these principles, we look to be a source of pride across the Bluegrass State and the nation. Our vision is to make you a proud fan and supporter of UK Athletics. We want to give you a reason to "Invest in BLUE." The funds provided by our donors support more than 500 students, aiding them to succeed in the classroom and in competition. We look to our students to be the leaders of the future. We look to you to support them and to ensure our Wildcats have all they need to aspire to new heights and many more victories.

'til the Battle is Won!

GO CATS,

The K Fund Staff

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WHAT IS THE K FUND?

The K Fund is the fundraising arm of the University of Kentucky Athletics Department. Everything we do – from funding the construction of world-class athletics facilities, to providing the resources to ensure academic success, to compensating the best coaches in sports, to instilling a spirit of service – enhances the student-athletes' experience, quality of life and ability to succeed in life after college. The relationships created and maintained by the K Fund with the community, fans, donors, partners and all of the Big Blue Nation (BBN) are essential to the advancement of UK Athletics.

1-3-5 ELITE PROGRAM

Not content with reaching one set of goals, Mitch Barnhart has initiated a new objective – 1-3-5 Elite. The aim is for each UK team to be No. 1 by winning a conference or national championship, continue to achieve a department-wide 3.0 GPA in each semester and rank in the top five of the Directors' Cup standings by 2022 – in the process making UK Athletics not just outstanding, but an elite national program.

DID YOU KNOW?

UK Athletics set a school record with an 11th-place finish in the final 2013-14 Directors' Cup standings and has finished in the top 30 of the national all-sports rankings in an unprecedented five straight seasons.

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"The University of Kentucky really changed my life, not only from a football perspective, but from an academic perspective. I was able to graduate early and get my MBA, equipping me for both the NFL and my post-football career. I had a fantastic experience that really set my life on a course that I never could have dreamed of."

JACOB TAMME

UK Football, Class of '08

First-team All-SEC in 2006 and 2007

National Good Works Team for community service by the American Football Coaches Association, 2006

SEC Academic Honor Roll 2004-07

9-year NFL Veteran (2007- current)

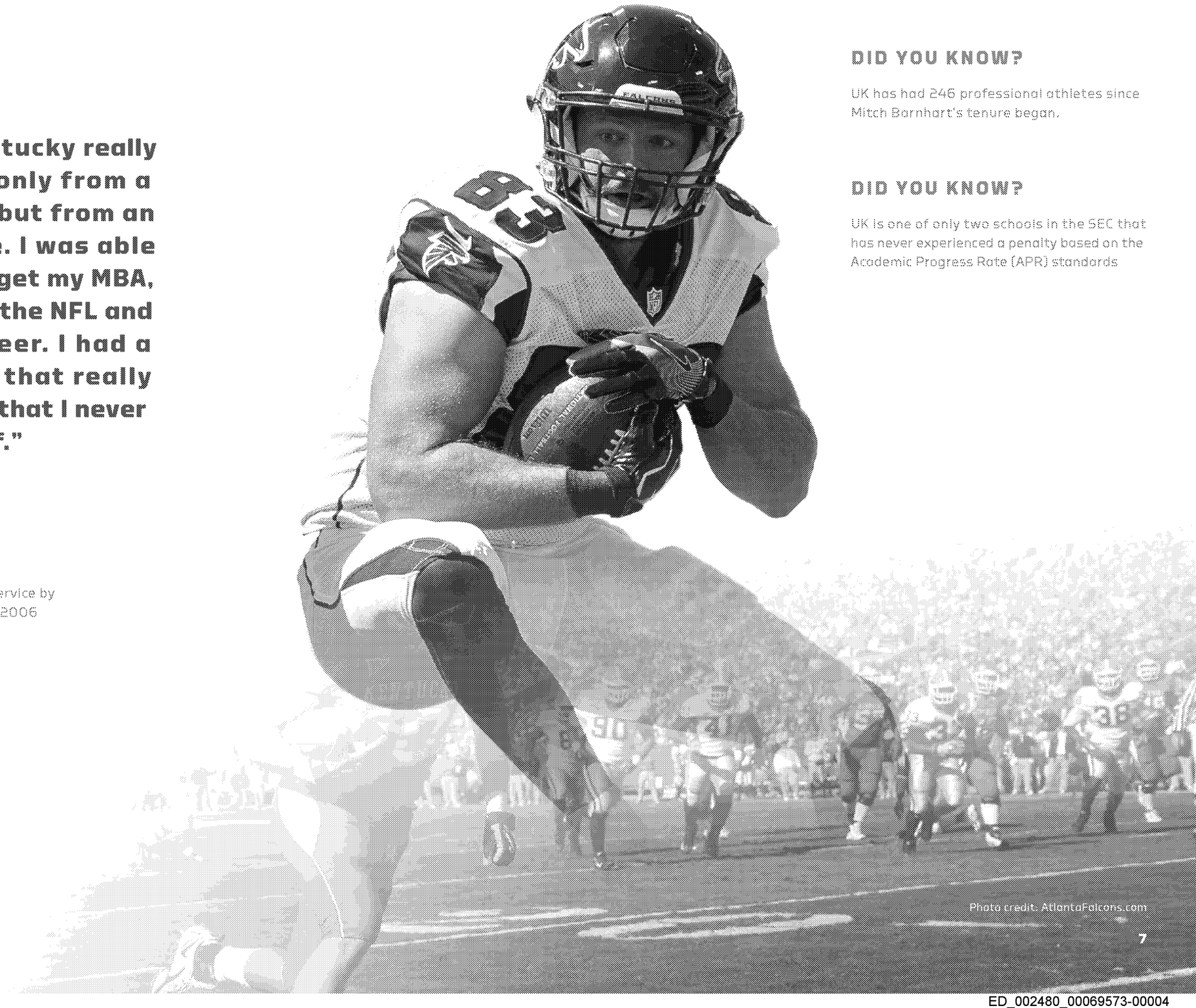

Photo credit: AtlantaFalcons.com

DID YOU KNOW?

UK has had 246 professional athletes since Mitch Barnhart's tenure began.

DID YOU KNOW?

UK is one of only two schools in the SEC that has never experienced a penalty based on the Academic Progress Rate (APR) standards

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8 WAYS TO INVEST IN BLUE

1 Make a gift

Anyone can make an impact with their gift. Direct contribution is the most common method of giving.

2 Remember UK Athletics in your Estate Planning

K Fund members can help ensure that the tradition of UK Athletics continues in perpetuity by making a planned gift. Deferred gifts, wills, bequests and trusts are other ways members can assist in providing the K Fund financial resources for continued growth. Planned gifts may provide income/capital gains, tax savings and possible estate tax savings.

3 Refer a Friend to the K Fund

Help us strengthen the foundation of the K Fund and increase the number of those who contribute to UK Athletics by referring a new member to the K Fund. Receive (3) priority points for every $10,000 donation referred by you.

4 Show Your Support in the Stands

For all of UK Athletics' 22 varsity sports, a home-field advantage is a key component to success. Your support from the stands fuels our student-athletes in competition. We encourage you to join us on game days throughout the year as we cheer on our Wildcats.

5 Naming Rights or Special Projects

Be a part of UK Athletics history! There are naming rights opportunities in several UK Athletics facilities.

6 Join the Big Blue Initiative

Answer the call to the Big Blue Nation! Go beyond your total annual giving by increasing your gift by 15 percent. By joining this initiative, you will help make an immediate impact in moving UK Athletics and the Big Blue Nation, forward.

7 Does your company participate in a matching gift program?

Some companies will match your gifts to UK Athletics. Matching gifts are a great way to maximize your gift to the K Fund.

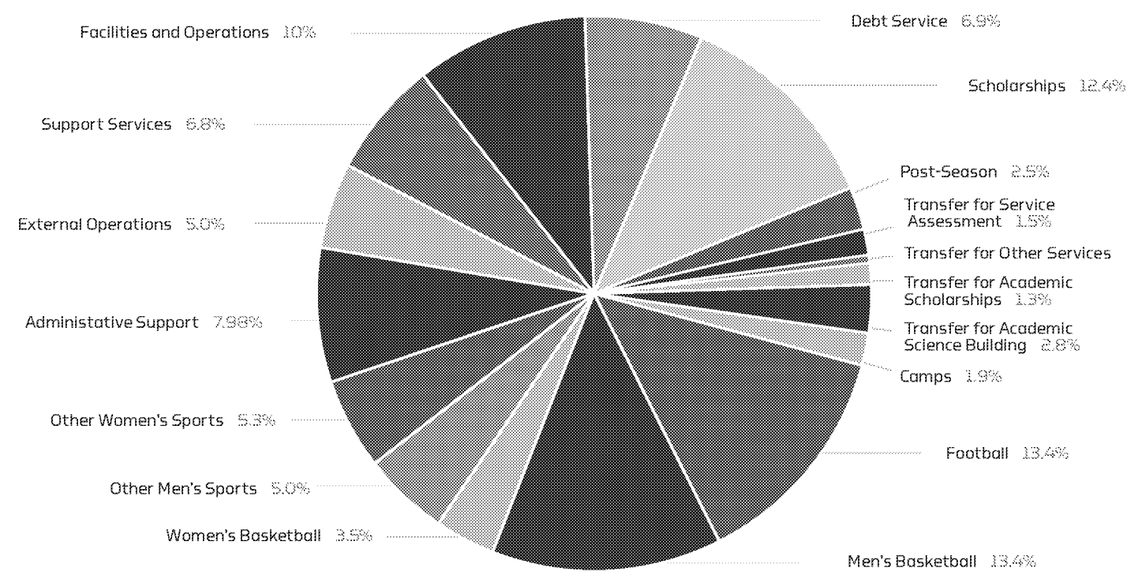
8 Gifts of Securities

Gifts of securities are becoming a popular way of making a substantial contribution to the K Fund.

DID YOU KNOW?

UK Athletics fields a 22-sport program – the broadest in the conference – but its budget of $132.8 million ranks in the midrange of its SEC peers. UK Athletics also balances its budget annually with the help of no state or university funds.

UK ATHLETICS BUDGETED EXPENSES



CAPITAL PROJECTS & FACILITY INVESTMENTS

Help us to build the ARENAS, STADIUMS, FIELDS, RANGES, POOLS, TRACKS and PRACTICE FACILITIES of future UK Athletics Champions!

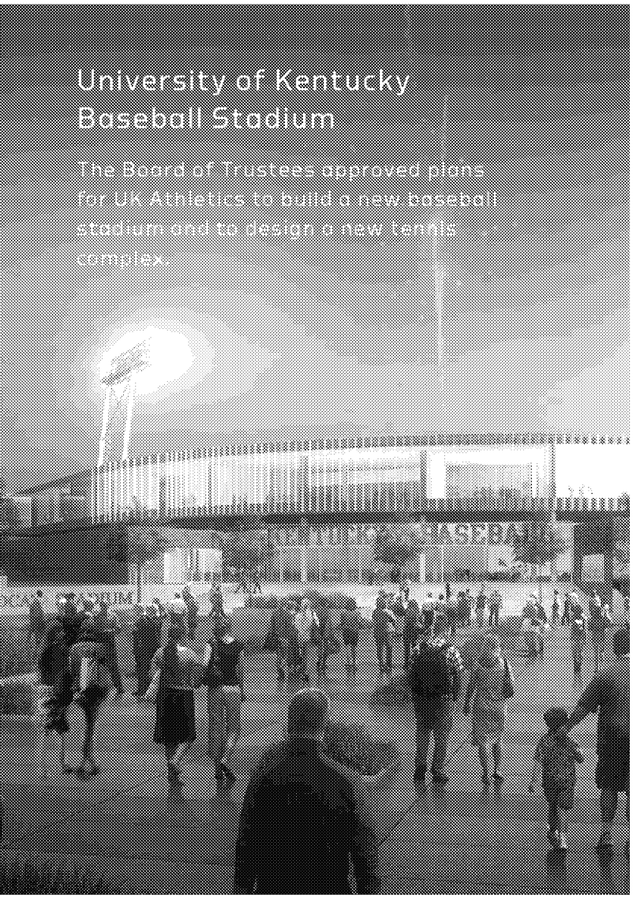
It is an unceasing endeavor, ensuring the facilities in which University of Kentucky students practice and compete remain state-of-the-art. The economic climate of the University, the Commonwealth of Kentucky and the nation at large has raised a new set of challenges in pursuing such projects, but UK has undertaken a flexible approach to navigate them.

Operating almost entirely with department funds alone, UK Athletics has managed to complete notable renovations on existing facilities and even move toward opening new ones. The challenge of keeping up-do-date college athletics facilities for our fans, recruits and teams is at the forefront of our future planning.

Help us to Invest in the Future.

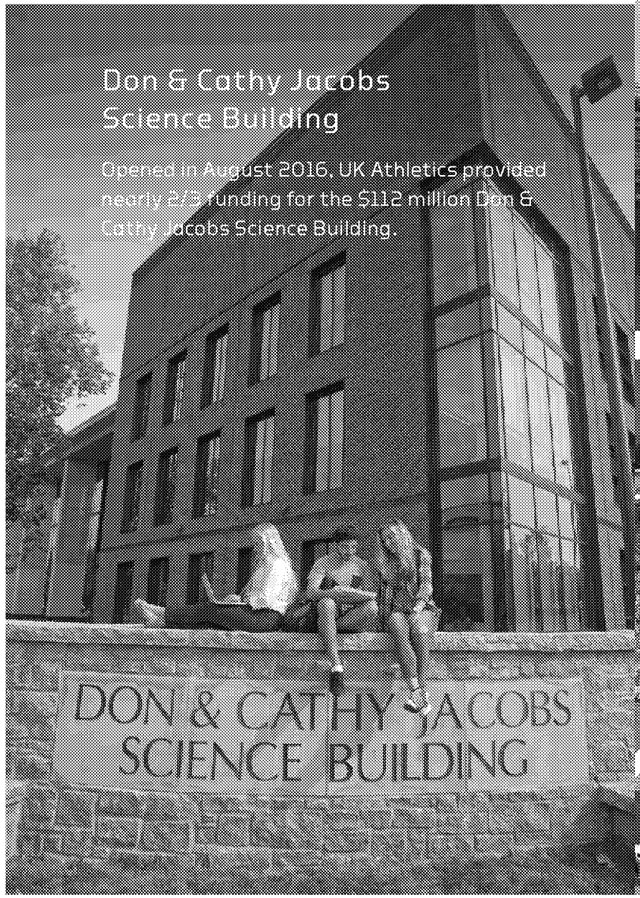
Joe Craft Football Training Facility

The construction of a state-of-the-art football training facility was made possible by the generosity of K Fund donors. Coming in at a cost of $45 million, the facility gives the football program approximately 100,000 square feet of space to operate, as well as two new practice fields.



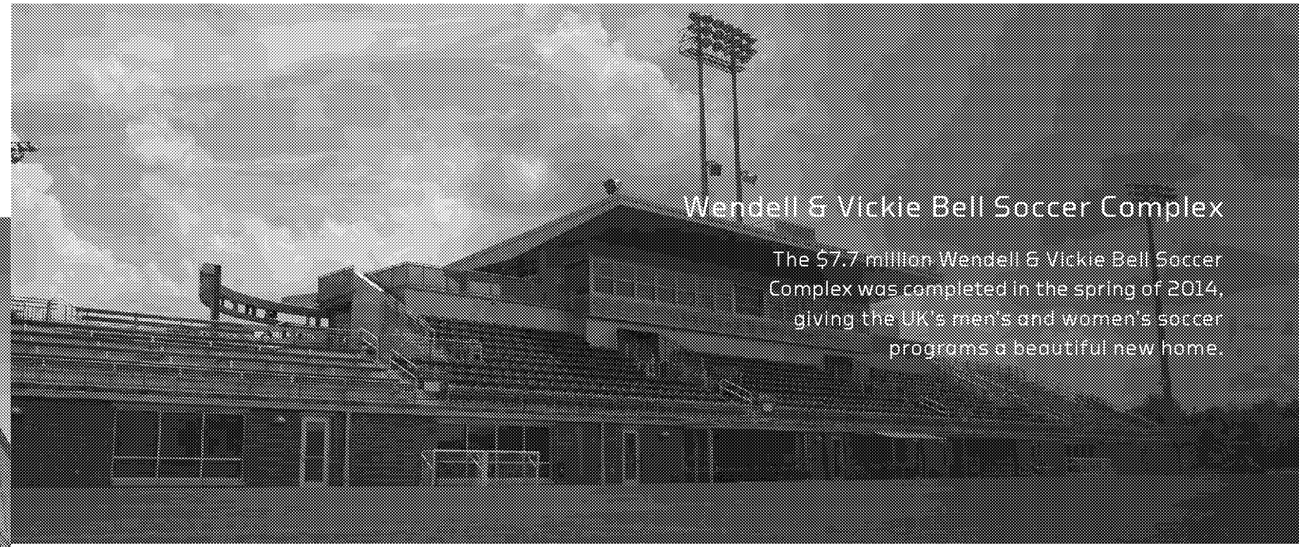
University of Kentucky Baseball Stadium

The Board of Trustees approved plans for UK Athletics to build a new baseball stadium and to design a new tennis complex.



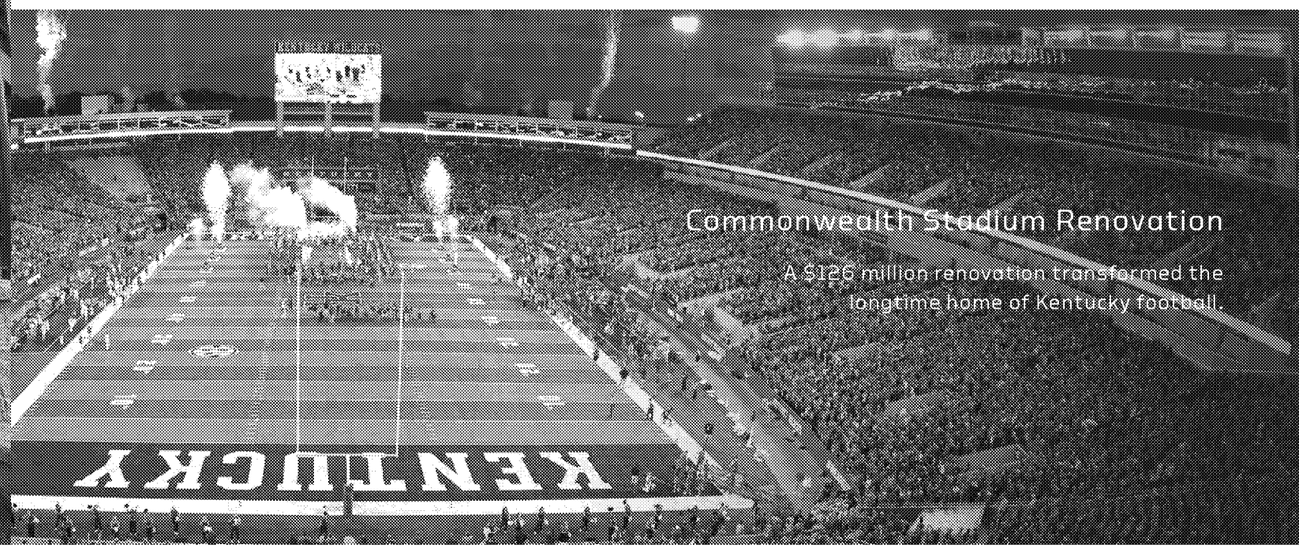
Don & Cathy Jacobs Science Building

Opened in August 2016, UK Athletics provided nearly 2/3 funding for the $112 million Don & Cathy Jacobs Science Building.



Wendell & Vickie Bell Soccer Complex

The $7.7 million Wendell & Vickie Bell Soccer Complex was completed in the spring of 2014, giving the UK's men's and women's soccer programs a beautiful new home.



Commonwealth Stadium Renovation

A $126 million renovation transformed the longtime home of Kentucky football.

DID YOU KNOW?

Almost half of donations to UK Athletics are below $750 annually.

DID YOU KNOW?

There are nearly 10,500 donors who support UK Athletics every year.

"Good or bad, we just love the atmosphere. We love our friends. We love being out here. It's family that brings all this together. John and I have known each other a long time. We put the effort into this every week."

TODD CLARK
UK Donor

"Both of us born and raised in the state in southeastern Kentucky, we're Kentucky through and through. From an early age, I knew I was going to UK. I moved up here as soon as I could out of high school. I've been here since and a season-ticket holder since I graduated college. It's just been in my blood."

JOHN CORNETT
UK Donor

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WHY SHOULD YOU DONATE?

UK Athletics' primary mission is to enrich the lives of its students and position them for success both during and after their time as Wildcats. We are only able to pursue that mission thanks to the generosity of supporters like you.

We are proud of our students' success on the field and the way they match that success with good work in the classroom and community. They do so by taking full advantage of the resources provided to them and by managing busy schedules. To demonstrate the hard work our students do and the hard work our coaches, academic staff and training staff do to support them, below is what a typical day looks like during the season for star softball left-fielder Katie Reed.

DAY IN THE LIFE OF KATIE REED

- 6:00-7:30 — Workout and treatment with athletic training staff
- 8:00 - 11:00 — Practice
- 11:30 — Lunch
- 12:30 - 1:45 — Anatomy 109
- 3:30 - 4:45 — Chemistry 107
- 5:00 — Dinner
- 6:00 - 9:00 — Tutoring with academic support staff at CATS
- 9:00 - 10:00 — Free Time
- 10:00 — Lights out

KATIE'S COMMUNITY SERVICE

- Mentor at Dixie Elementary
- Louisiana flood relief drive
- Volunteered at St. Louis VA Hospital during the Summer of 2016
- Packed food for backpack program
- Read books to the children at Lyric Theatre event
- Made an appearance at James Lane Allen Elementary's school-wide behavior celebration
- Helped clean up Commonwealth Stadium

Total Logged Hours: 65

THE BENEFITS CHART

In addition to making a remarkable difference in the lives of our students, donors to UK Athletics are entitled to the following benefits based on annual giving. To qualify, gifts must be made during UK Athletics' fiscal year of July 1 through June 30. Pledge your support today. Invest In Blue!

	SCRATCH	WILDCAT	BLUE	ALL-AMERICAN	CHAMPIONS	ELITE	WILDCAT RESERVE
	$1-749	$750-4,999	$5,000-9,999	$10,000-19,999	$20,000-74,999	$75,000-99,999	$100,000+
PRIDE FOR INVESTING IN BLUE & supporting our 500+ student athletes	✓	✓	✓	✓	✓	✓	✓
Tax deduction	✓	✓	✓	✓	✓	✓	✓
K Fund decal	✓	✓	✓	✓	✓	✓	✓
Catspy invitation	✓	✓	✓	✓	✓	✓	✓
K Fund Sports Pass		✓	✓	✓	✓	✓	✓
Quarterly K Fund Newsletter		✓	✓	✓	✓	✓	✓
MVP Event			✓	✓	✓	✓	✓
Annual Facility Tour			✓	✓	✓	✓	✓
Pre-season 50 Yard Line event				✓	✓	✓	✓
Big Blue Madness Reserved Seating (2 tickets)				✓	✓	✓	✓
Football Signing Day event				✓	✓	✓	✓
K Fund All-American event				✓	✓	✓	✓
Rupp parking & hospitality					✓	✓	✓
Pre-season Tip Off event					✓	✓	✓
AD/Coaches Reception						✓	✓
Hall of Fame Dinner						✓	✓
Preferred Football Parking						✓	✓
ADDITIONAL EXCLUSIVE BENEFITS							✓

**All benefits are subject to change*

THE PRIORITY POINT SYSTEM

The priority point system is utilized to ensure a fair and equitable allocation of access to UK events. The point system is designed to reward loyalty and total dollar contributions in support of UK Athletics. It is used to facilitate demand pertaining to season ticket upgrade requests, football season parking requests, post-season tickets including SEC, NCAA and Bowl games.

Priority ranks are updated daily. Even though your point total may not change every day, your priority rank fluctuates based on the point activities of all accounts. Priority ranks range from 1 (highest number of points) to approximately 80,000.

Season Ticket Purchase

One (1) point for every year of season ticket purchase in football and/or men's basketball starting in 1987.

Five (5) points for every year of baseball, women's basketball, gymnastics, soccer, softball or volleyball season ticket purchase. (minimum of two season tickets)

Annual Giving

Three (3) points for every $100 of K Fund general donation money given each year.

Two (2) points for every $100 of required annual priority seating donation.

Brick

Thirty (30) points for each personalized brick.

Faculty/Staff

One (1) point for every year of employment with UK.

110% Club

Receive five (5) K Fund priority points once per fiscal year for joining.

Annual membership runs from July 1 through June 30.

Referred Donations

Three (3) points for every $10,000 referred by you to UK Athletics.

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DID YOU KNOW?

Wildcat students have combined for a cumulative GPA of 3.0 or better in nine consecutive semesters as of December 2016.

"UK afforded me the opportunities to excel at unprecedented levels both on the track and in the classroom. That's really special to me. I have already accomplished so much on the track in just one professional season–a world record and Diamond League title–and I have plenty more I want to achieve. But I know that one day, my track career will end. UK prepared me for whatever comes next."

KENDRA HARRISON
UK Track & Field, Class of '15

100m hurdles World Record holder - 12.20

Two-time NCAA Champion

15-time All-American

2016 Diamond League Champion

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WILDCAT RESERVE

Wildcat Reserve is an exclusive program which consists of K Fund members who contribute $100,000 or more annually to the K Fund. Specifically, Wildcat Reserve members will be entitled to several exclusive benefits, including:

- A private dinner with University President, Director of Athletics, Head Coaches for Football, Basketball and Women's Basketball
- A reserved parking space, with personalized nameplate, at Commonwealth Stadium and Rupp Arena
- Specialized UK gear featuring a unique, "members only," Wildcat Reserve logo
- Sideline access for the annual Blue/White spring football game
- Two (2) premium seats at Big Blue Madness
- Opportunity to attend private practices for football, men's basketball and women's basketball
- Credentials to attend post-game press conferences for football, men's basketball and women's basketball
- Increased ticket allotment (based on availability) for bowl, SEC Men's Basketball Tournament and NCAA Men's Basketball Tournament
- Team travel opportunities
- Additional exclusive benefits offered annually!

In addition to these exclusive benefits, Wildcat Reserve members will have access to all K Fund benefits outlined in this K Fund brochure.

We hope you consider this exciting opportunity. Please note that the $100,000 annual gift must be collected from July 1 to June 30 of each fiscal year. Additionally, your current annual and / or capital gifts will count toward the $100,000.

110% Club Membership

Our students are asked to give 110% to UK Athletics and the University each year. They go above and beyond and we ask you to do the same. You can become a member of the 110% Club each year by giving $110 to UK Athletics.

Along with 5 priority points, K Fund decal and lapel pin, you will receive a hardbound journal. Each dollar from these programs goes into our Annual Fund and ensures the success of the student-athletes, providing everything from scholarships to athletic equipment to books to meals. The funds provided by our donors support over 500 students, aiding them to succeed in the classroom and in competition.

Big Blue Initiative

Four years ago we introduced the "BIG BLUE INITIATIVE" - another chance for you to INVEST IN BLUE! To join the BIG BLUE INITIATIVE each year, donors need only increase their annual giving by 15 percent. Just look for your BIG BLUE INITIATIVE invoice from us each spring for the amount you can give to join.

UK Athletics is dedicated to consistently finishing as a top-20 college athletics program. Without the financial and loyal support of the Big Blue Nation, the accomplishments from our student-athletes would not be possible. To continue - and build upon - those successes, UK Athletics needs generosity from all alumni, fans and friends specifically supporting the K Fund by Investing in Blue.

INVEST IN BLUE KENTUCKY 500 K

Goal:

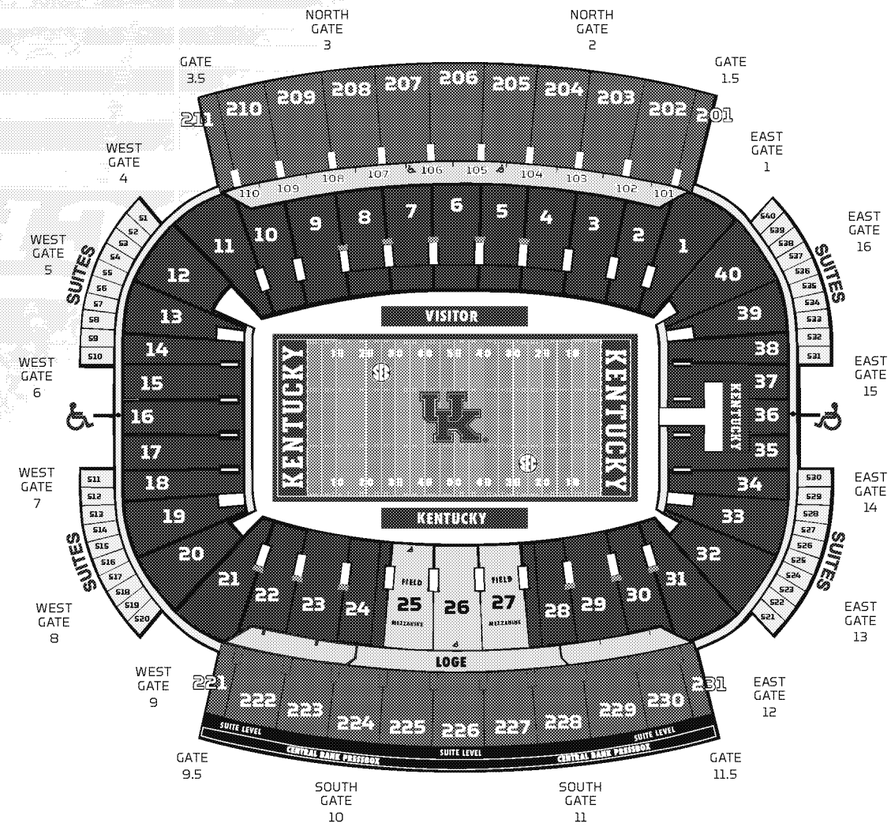
To get 500 people to make a pledge of $25,000 over five years

Benefits to Include:

- One-time bonus of 30 points initial commitment
- Guarantee of parking at football for seven years in area of choice
- Name Recognition when goal is reached in UK Athletics Facilities
- Exclusive gear with logo for acknowledgment of group membership
- All benefits at associated level of giving (see benefits chart)
- On field recognition for a home football game as a group
- Special invite to one basketball practice as a group
- Additional special event each year of the agreement

FOOTBALL

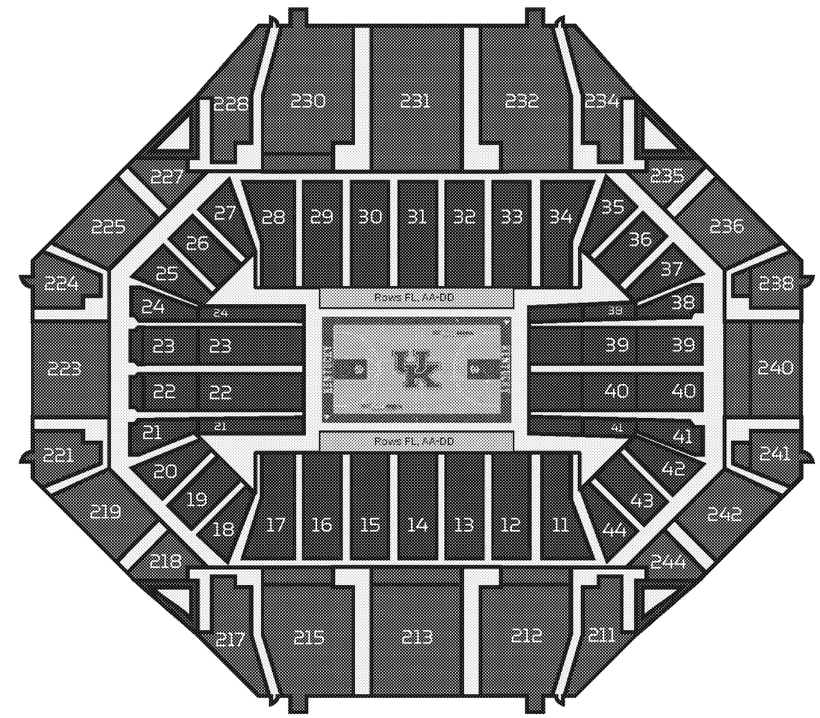
TICKET INFORMATION



Yes!! There are limited season football tickets in many great locations available. If you are interested in season tickets, mini-packs, single games, premium seating or the 1865 Club please contact the K Fund office at 859-257-6300. For the latest information about Kentucky Football tickets, sign up for the email subscription by emailing uktickets@uky.edu or visit ukfootballtix.com. To be added to the Kentucky Football parking pass waitlist, please email kfund@uky.edu

BASKETBALL

TICKET INFORMATION



Yes!! There are limited season basketball tickets available. The process for obtaining seats in Rupp Arena for Kentucky Men's Basketball begins with committing to a capital pledge.

If you are interested in making pledges of $35,000 for select sections in the first eight rows of the upper level, payable over 5 years or lower-level seats beginning at $100,000, payable over 10 years, please contact the K Fund office at your earliest convenience.

Once the pledged amount is met, the annual K Fund donation amount is due annually in addition to the season ticket purchase.

We have limited availability in Rupp Arena right now and it changes daily. The funds raised from these pledges assist us in providing our 500+ students with the opportunities to change their lives through education and intercollegiate competition.

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"Vickie and I are blessed to give back. We know of no better way to invest in the next generation than by contributing to the K Fund and positively impacting the experience of more than 500 young people."

WENDELL BELL
UK Donor

K FUND
INVEST IN BLUE

Return pledge form to:
K Fund
Joe Craft Center
338 Lexington Avenue
Lexington, KY 40506

Yes, I want to Invest in Blue.

Name (if business, list company name and contact person)

Address City State Zip

Home Phone Business Phone Cell Phone

Email

Spouse/Partner's Name

Payment Method: Mastercard Visa Discover AmEx Check (payable to K Fund)

Name Card # Exp. Date

Signature

Amount Pledged Amount Enclosed Amount Due

Joe Craft Center
338 Lexington Avenue
Lexington, Kentucky 40506
859.257.6300 | fax 859.323.2323
KFund@uky.edu | kfundonline.com

/InvestInBlue @uk_kfund @UK_KFund

COMPLIANCE REMINDERS FOR DONORS

The following are reminders for donors and friends of the UK Athletics Department:

1. In general, donors, season ticket holders and supporters of UK Athletics are considered representatives of athletics interests for UK.

2. Once an individual becomes a donor, they retain that status indefinitely and UK can be held responsible for the actions of its donors.

3. Donors may take established family friends or neighbors to UK games. Otherwise, if the individual is a high school student, check with compliance to make sure your interaction is permitted.

4. Donors may provide information to coaching staffs about prospective student-athletes (PSAs) you believe are worthy of being recruited.

5. Donors may not recruit on behalf of UK including contacting PSAs on social media or otherwise.

6. Once a PSA signs with UK, donors may call and have in-person contact with UK signees. PSAs who sign with other institutions remain a PSA to UK and donors may not interact with these individuals.

7. Donors may hire individuals after they sign with UK into legitimate employment opportunities. The PSA/SA must perform the work s/he is paid for and must not be paid based on his/her athletic ability and notoriety s/he brings to the business.

8. Providing recruiting inducements or extra benefits (e.g., meals, money, use of a car, lodging, etc.) to a PSA or student-athlete is a serious violation and can result in severe penalties for UK and the involved individuals.

9. It is not permissible for a student-athlete to trade their complimentary admissions with a donor for a preferred service or product (e.g., meals, apparel, equipment, haircuts, etc.). It is also not permissible for a student-athlete to sell their complimentary admissions, regardless of the amount.

Questions? Call UK Compliance at (859) 257-8604

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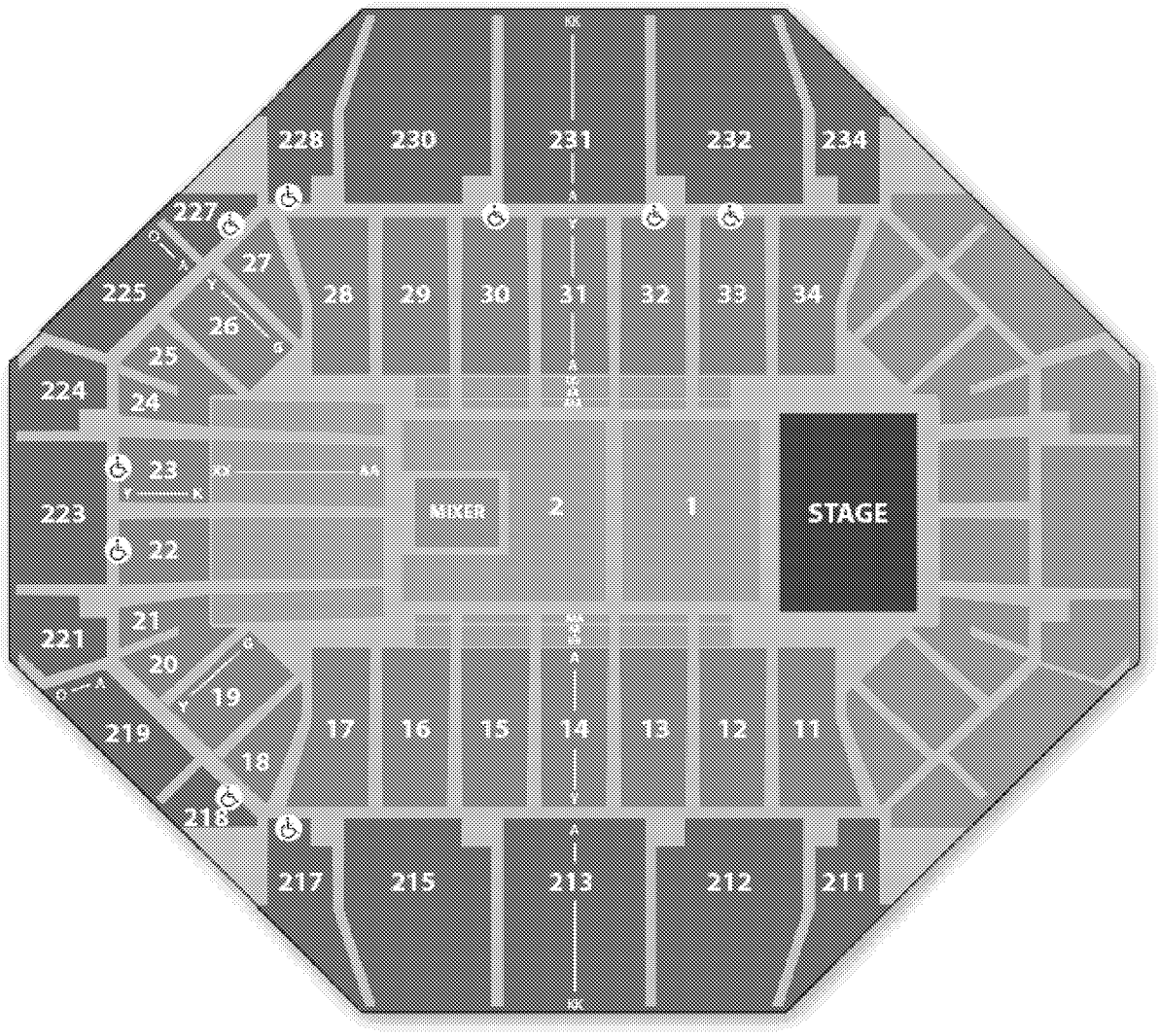
K Fund
Joe Craft Center
338 Lexington Avenue
Lexington, KY 40506
p: 859.257.6300 | f: 859.323.2323
kfundonline.com | kfund@uky.edu

#INVESTINBLUE

KENTUCKY
2
KENTUCKY
1

RUPP ARENA®

FULL HOUSE SEATING



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Message

From: Miller, Jeff [Jbmiller@mwe.com]
Sent: 6/23/2018 7:52:46 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: Meeting request

Ryan,
Thanks for the response.
Jeff

On Jun 22, 2018, at 12:09 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

> Thanks for emailing. I spoke with our Office of Enforcement. They have advised me that they have been in regular contact with NGL on this RINS case and that NGL is aware that OECA is contacting them next week, and that they are aware that DOJ is not moving forward with a criminal case. I would rather wait until that meeting before meeting with NGL further. Specifically, I spoke to Patrick Traylor who's our politically appointed deputy assistant administrator and Susan Bodine on this situation.
>
> **From:** Miller, Jeff [mailto:Jbmiller@mwe.com]
> **Sent:** Thursday, June 21, 2018 10:18 AM
> **To:** Jackson, Ryan <jackson.ryan@epa.gov>
> **Subject:** Meeting request
>
> Ryan,
> I have tried to work this issue at a lower level with no "movement." Unfortunately the clock is ticking on a court date.
> I represent NGL, and Oklahoma based energy company. They have an issue involving RINS and a company they purchased some time ago. The Department and DoJ are moving forward with a Court action.
> We met with Susan Bodine and some of the people involved in the case back in May. In that meeting my client expressed a desire to come to a resolution before going to court. Ms. Bodine asked everyone to try to negotiate the issue if possible. NGL has made an offer based on what was said in the meeting and the Government refuses to come back with any counter.
> On Monday Kurston McMurray, General Counsel for NGL, sent Ms. Bodine a letter outlining where things stand. I have attached the letter for you to review.
> Would it be possible for me to arrange a meeting with you and Michael Krimball, CEO NGL Energy Partners? I think based on the attached letter, my guys are trying to do what was asked of them.
> Thanks for your time. I know you are very busy these days.
> All the best,
> Jeff

Jeff Miller
U.S. Congressman 2001-2017
Senior Legislative Advisor

McDermott Will & Emery LLP | The McDermott Building | 500 North Capitol Street, N.W. | Washington, DC 20001
Ex. (b)(6) | Fax +1 202 756 8087

Website | vCard | Email | Twitter | LinkedIn | Blog

****
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delivery error by replying to this message, and then delete it from your system. Our Privacy Policy explains how we may use your personal information or data and any personal information or data provided or made available to us. Thank you.
****

Please visit http://www.mwe.com/ for more information about our Firm.

Message

From: The Well News [press@thewellnews.com]
Sent: 3/20/2019 11:09:55 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Emoluments, Illegal Immigrants, Delicious Cheese and Foreign Trade Zones

Emoluments, Illegal Immigrants, Delicious Cheese and Foreign Trade Zones

View in browser

Straight from The Well

Wednesday, March 20, 2019

Read to the end of this email to find out which music genre makes the best cheese.

EMOLUMENTS CLAUSE

Fourth Circuit Scrutinizes Claims Trump Is Illegally Profiting From D.C. Hotel

A federal appeals court panel repeatedly pushed back Tuesday at claims by two attorneys general who say President Trump is illegally profiting from foreign and state government visitors at his luxury hotel in downtown Washington.

At the center of the hearing before a three-judge panel of the 4th U.S. Circuit Court of Appeals was the emoluments clause of the U.S. Constitution, which bans federal officials from accepting benefits from foreign or state governments without congressional approval.

The attorneys general of Maryland and the District of Columbia, both Democrats, claim government spending at the Trump International Hotel clearly violates it.

Read More

BIPARTISAN

Group of Senators Introduce Legislation to 2017 Tax Law to Help

Restaurants and Retailers

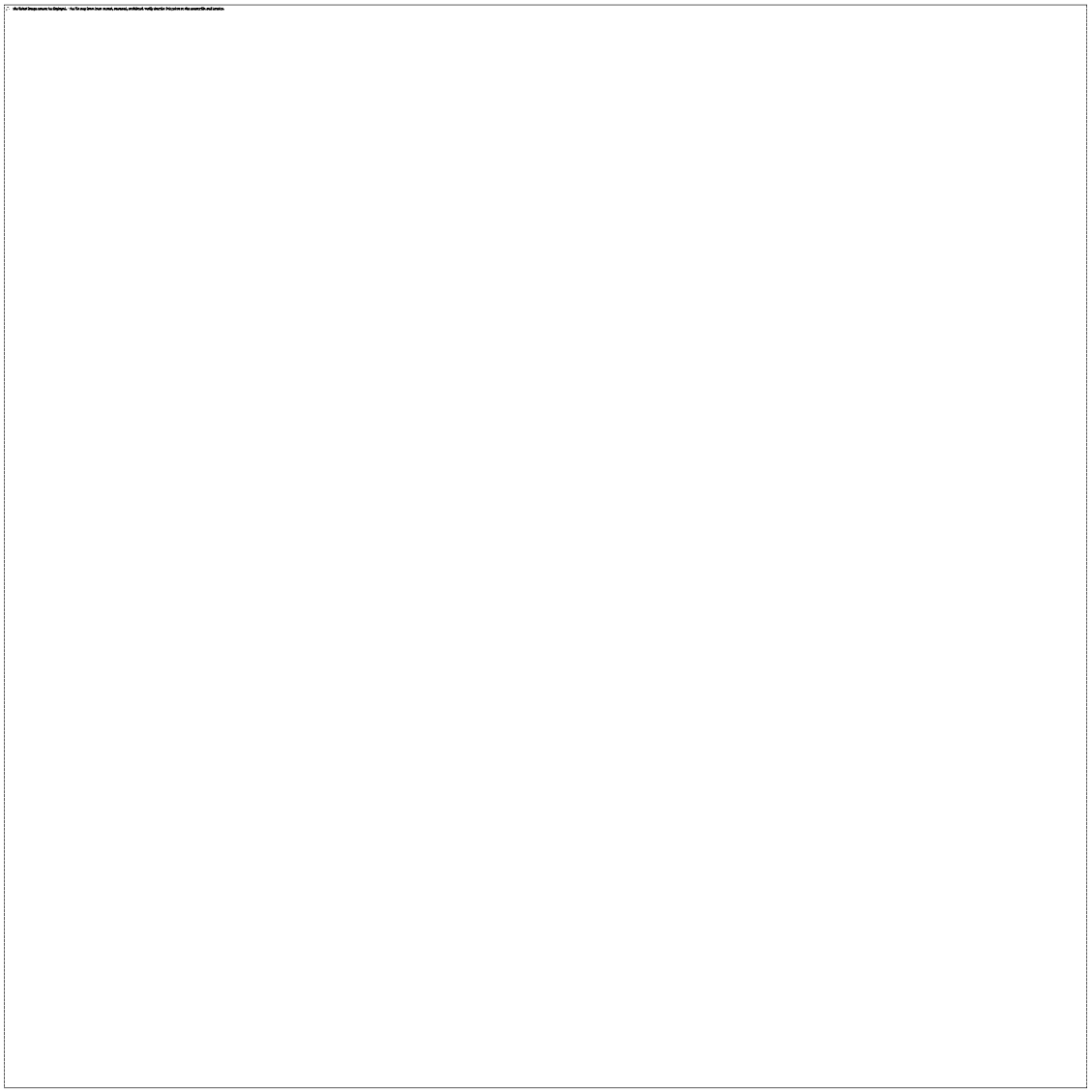
This week, U.S. Senators Doug Jones, D-Ala., and Pat Toomey, R-Penn., introduced the Restoring Investments in Improvements Act, bipartisan legislation that ensures restaurants and retailers can take full advantage of a 2017 tax law provision meant to spur renovations and investment.

Last year's Tax Cuts and Jobs Act made significant changes to the federal tax code, including allowing businesses to immediately write off costs associated with improving facilities instead of having to write off those expenses over 15 years.

Read More

IMMIGRATION

Supreme Court Adopts Trump Policy In Case of Illegal Immigrant Detentions



The 5-4 ruling is a significant victory for the Trump administration's hard-line immigration policies but one that is outraging civil rights advocates.

The decision in a lawsuit turned on an interpretation of the detention provision in the Illegal Immigration Reform and Immigrant Responsibility Act. The provision says noncitizens must be arrested "when [they are] released" from police custody on criminal charges and detained without rights to bail until their deportation proceedings conclude.

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IN THE NEWS

- Trump Embraces Brazil's Bolsonaro, Another Brash President Enmeshed in Scandal
  By Eli Stokols and Noah Bierman
- Some Climate Change Panel Members Are Literally Invested in the Issue
  By Benjamin Hulac
- The Oldest Freshman in Congress Gets Back to Basics in Miami
  By David Smiley and Kyra Gurney

INVESTIGATIONS

Trove of Just-Released Documents Show Feds Eyed Cohen Long Before Raid

The release of the trove of redacted documents was a victory for the nine news organizations who filed a legal action to unseal them.

Keith Werhan, the Ashton Phelps Chair in Constitutional Law at Tulane Law School in New Orleans, said Judge Pauley's ruling that the documents should be released "obviously seems to serve the public interest in transparency in a case such as this.

"There are legitimate law-enforcement interests, and perhaps privacy interests in play, but again, in a case such as this, I believe it is the function of courts to support media efforts to gain the release of as much information as possible," Werhan said.

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MORE FROM THE WELL

Alpine Skier Accused of Cheating Has World Cup Victory Reinstated
The Court of Arbitration for Sport in Lausanne, Switzerland said standards of the World Anti-Doping Agency take precedence in international sports competition. The standards give no indication there is anything wrong with inhaling oxygen between runs.

Federal Reserve, Meeting This Week, Expected to Act With A Steady Hand
The Federal Open Market Committee, the policy-making arm of the Federal Reserve, is expected to announce on Wednesday that it's not raising interest rates.

Foreign Trade Zones, Long Engines of U.S. Economic Development, Now Face Challenges
Some worry that recent changes in U.S. trade policy — and a failure to address long standing issues even as older trade agreements, like NAFTA, are replaced — is eroding the benefits the zones are meant to deliver.

EVERY DAY IS SOME DAY

Source: National Day Calendar

First Day of Spring

Human beings have been following the sun and creating a calendar based on seasons since the beginning of time. Spring begins on the vernal equinox, which is when the amount of sunshine is approximately 12 hours long. The amount of sunlight will incrementally increase until the first day of Summer. Get ready for longer days and increased sunshine!

NEWS YOU CAN'T USE

Study Suggests Hip-Hop Makes Cheese Taste Better

Put simply, the collaborators found that cheese that has been exposed to music tastes different from cheese that hasn't been.

Michael Harenberg, director of Sound Arts studies at the university, said in a written statement that during the experiment eight cheeses maturing at Käsehaus K3 were exposed to a different sound over a period of six-and-a-half months.

These sounds included everything from Led Zeppelin to hip hop to Mozart's "The Magic Flute" to techno music and ambient sounds.

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Message

From: Scott Corley [scott@corleypipes.com]
Sent: 6/12/2018 12:29:32 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Scott Corley [scott@corleydc.com]
Subject: RE: Meeting request for Fort Worth, TX

Hey Ryan—thanks again for offering to help out on this. Just checking in now, as we are a week out from the trip. We are still wide open on the 19th before 1:30 PM. Thank you, sir.

Scott

Scott Corley
Partner & Cofounder
Corley+Pipes Consulting LLC
Ex. (b)(6)

From: Scott Corley
Sent: Wednesday, June 06, 2018 12:50 PM
To: Scott Corley <scott@corleypipes.com>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: Meeting request for Fort Worth, TX

Also, I don't think I provided the dates. Sorry. City of Fort Worth folks are here in a few weeks on June 19th. They are seeing Bedell and his folks at DOT (2 PM) and Pinkos and his team with Pence (3:30). I'm working on a USTR and WH/NEC meeting too. So we are pretty wide open on available time that day.

Scott Corley
Ex. (b)(6)

On Jun 6, 2018, at 12:14 PM, Scott Corley <scott@corleypipes.com> wrote:

> Hey Ryan—thank you. Both are relevant at this point. We are really focused on growth issues. Fort Worth is booming. We'll be applying for grants related to infrastructure projects and will also be dealing with environmental impact issues and regs.
>
> I don't want to overtax your team, and since we are not getting big bills this year, I'm open to whoever you believe are good folks for them to meet and begin a dialogue about growth and how FW city leaders should be thinking in terms of infrastructure opportunities from the agency perspective.
>
> If you need more details to narrow this down, I can certainly get them from Dennis and others. Let me know. And thank you again, Ryan.
>
> Scott
>
> Scott Corley
> Ex. (b)(6)
>
> On Jun 6, 2018, at 9:53 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>
>> Is it permitting or NEPA or grants? Do you know what issue it is? Happy to meet, just wanted to get all the right people in the room.

From: Scott Corley [mailto:scott@corleydc.com]
Sent: Wednesday, June 6, 2018 9:35 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Scott Corley <scott@corleypipes.com>
Subject: Meeting request for Fort Worth, TX

Hey Ryan—hope this finds you well. Thanks again for your help last year in connecting me with your team on the UST issue. I love telling people how helpful they were and what a turnaround that represents for the agency.

I have City of Fort Worth Councilmembers coming to town to talk transportation and infrastructure. As EPA is one of 3 agencies that will be involved in the application review process for project money, I wanted to introduce these councilmembers to the relevant staff. They would love to meet you too, but I know you're super busy. Can you direct me to the right people on your team? I can handle the legwork from there of course.

As background, Mayor Price from Fort Worth was one of the Mayors the President asked to be part of his infrastructure announcement. She was the only top 20 city mayor invited—I think. Councilmember Dennis Shingleton, who will be leading the small group, is our Mayor pro temp and goes to the WH meetings on transportation in Mayor Price's place when she cannot attend. They are fully aware that other than narrow lame duck activity, nothing is likely to happen in Congress this year on infrastructure. The goal of the trip is to get ahead of the curve on making contacts and relationships in the relevant agencies.

Again, thank you for your past help, Ryan, and any help you can offer on this request. Hopefully, I'll see you soon.

Scott

Scott Corley
Corley Consulting, LLC
Ex. (b)(6)

Message

From: Bennett, Tate [Bennett.Tate@epa.gov]
Sent: 6/13/2018 8:14:46 PM
To: Brendon_Plack@thune.senate.gov
CC: Pam.Bonrud@northwestern.com
Subject: Thanks again
Attachments: IMG_0345.jpeg; ATT00001.txt

Thanks, Brendon, for helping arrange a great visit to NorthWestern. He enjoyed it! Thanks, again for all your hard work, Pam!

Message

From: Leo Jardot [leo.jardot@align-strategies.com]
Sent: 3/20/2019 4:19:33 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Thank you/Chesapeake Bay Foundation Meeting

Ryan, in the meeting we had with the Administrator, both he and Dave Ross mentioned a memo to improve coordination with ag producers in the Bay watershed and suggested they would share with us. Any chance your office could help us obtain? Thank you.

From: Leo Jardot
Sent: Friday, March 8, 2019 10:52 AM
To: Dave Ross <ross.david@epa.gov>
Subject: Thank you/Chesapeake Bay Foundation Meeting

Dave, thanks for all the information you provided in the meeting with Administrator Wheeler. From the CBF side we are very supportive of your efforts to work with PA farmers to achieve results and the CBF office in Harrisburg has been working along the same lines. We also share your frustration with the state of PA for not getting the resources out to do the job. **The memo that you and the Administrator mentioned might help us improve our coordination so if you can share that would be great. Thanks again. Leo**

Leo Jardot
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Washington, DC 20004
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Ex. (b)(6)
www.align-strategies.com

Message

From: Green Guy Media [talkwithgreenguy=gmail.com@mail178.suw14.mcdlv.net]
on behalf of Green Guy Media [talkwithgreenguy@gmail.com]
Sent: 6/6/2018 12:12:46 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: ♻ Green Guy Media Newsletter Sarah Dearman,Coca-Cola,Sustainable Packaging Director

♻ Green Guy Media Newsletter Sarah Dearman,Coca-Cola,Sustainable Packaging Director

Your source for cutting edge news,resources and interviews in the Environmental and Sustainability Community
Volume 73 - June 6,2018

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Talk with Green Guy Show! Sunday, June 10th, 9-10am EST.

Since 2009, The Coca-Cola Company has distributed more than 40 billion PlantBottle packages in over 40 countries. Sustainable Packaging Program Director,Sarah Dearman joins us this week to share how Coca-Cola is lowering their carbon footprint and reducing plastic bottles from our waste

Green Guy broadcasts live every Sunday, **9 -10 am,EST:**

streams around the world.

WGST AM 640

- iHeartRadio

Coming Events

Green Guy Media EcoEvent of the Week:
June 6th, AgLanta
Grows a-Lot
aglanta.org/adoptgrows-a-lot

June 6th, Green Chamber of the South
Green Wednesday
bit.ly/2xL8KEx

June 7th, American Institute of Architects(AIA) of Atlanta
aiaatl.org/events/procrastination-day-spring-2018

June 9th, EarthShare of Georgia
Sustainability Speaker Series
earthsharega.org

June 10th,Georgia Wand
Mother's Day for Peace
gawand.org/mothers-day-for-peace-2018

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Register for the Green Sports Alliance Summit coming to the Mercedes Benz Stadium June 26-27th,2018. use Green Guy promo code and get $50 off registration!

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Message

From: Hillenbrand, Dan (Inhofe) [Dan_Hillenbrand@inhofe.senate.gov]
Sent: 6/20/2018 9:39:56 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Holland, Luke (Inhofe) [Luke_Holland@inhofe.senate.gov]; Forbes, Andrew (Inhofe) [Andrew_Forbes@inhofe.senate.gov]; Barrett, Devin (Inhofe) [Devin_Barrett@inhofe.senate.gov]
Subject: PRIA Reauth - Hotlined
Attachments: 20180618 - Bill text - HR1029 reported by Senate Ag as amended.pdf; 20180620 - Udall Amdt to HR1029 - PRIA Reauth (RYA18643).pdf; 20180618 - Section by Section - Sen Ag Committee reported PRIA plus Udall Amdt info.docx

Ryan – attached is the text of the HR 1029, as reported by the Senate Ag Committee, which was hotlined with the attached Udall Amdt.

I have further attached the Section by Section of HR 1029 with the Udall Amdt section by section included as well.

Notably, the amendment extends PRIA through FY 2023 (the Senate Agriculture Committee reported version only extended PRIA through FY 2020) and includes an additional provision that was worked out with Stabenow, Udall, Harris, and Blumenthal.

Let me know if you have any concerns!

Dan

Daniel J. Hillenbrand
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dan_hillenbrand@inhofe.senate.gov

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Calendar No. 163

115TH CONGRESS
1ST SESSION

H. R. 1029

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2017

Received; read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

JUNE 29, 2017

Reported by Mr. ROBERTS, with amendments

[Omit the part struck through and insert the part printed in italic]

AN ACT

To amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve pesticide registration and other activities under the Act, to extend and modify fee authorities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ~~"Pesticide Registration Enhancement Act of 2017".~~ *"Pesticide Registration Improvement Extension Act of 2017".*

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Extension and modification of maintenance fee authority.
Sec. 3. Reregistration and Expedited Processing Fund.
Sec. 4. Experimental use permits for pesticides.
Sec. 5. Pesticide registration service fees.
Sec. 6. Revision of tables regarding covered pesticide registration applications and other covered actions and their corresponding registration service fees.
Sec. 7. Effective date.

SEC. 2. EXTENSION AND MODIFICATION OF MAINTENANCE FEE AUTHORITY.

(a) MAINTENANCE FEE.—Section 4(i)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)(1)) is amended—

(1) in subparagraph (C), by striking "an aggregate amount of $27,800,000 for each of fiscal years 2013 through 2017" and inserting "an average amount of $31,000,000 for each of fiscal years ~~2017 through 2023~~ *2018 through 2020*";

(2) in subparagraph (D)—

(A) in clause (i), by striking "$115,500 for each of fiscal years 2013 through 2017" and inserting "$129,400 for each of fiscal years ~~2017 through 2023~~ *2018 through 2020*"; and

(B) in clause (ii), by striking "$184,800 for each of fiscal years 2013 through 2017" and inserting "$207,000 for each of fiscal years ~~2017 through 2023~~ *2018 through 2020*";

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(3) in subparagraph (E)(i)—

(A) in subclause (I), by striking "$70,600 for each of fiscal years 2013 through 2017" and inserting "$79,100 for each of fiscal years ~~2017 through 2023~~ *2018 through 2020*"; and

(B) in subclause (II), by striking "$122,100 for each of fiscal years 2013 through 2017" and inserting "$136,800 for each of fiscal years ~~2017 through 2023~~ *2018 through 2020*"; and

(4) in subparagraph (I), by striking "2017" and inserting "~~2023~~ *2020*".

(b) PROHIBITION ON OTHER FEES.—Section 4(i)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)(2)) is amended—

~~(1) by striking "during the period beginning on the date of enactment of this section and ending on September 30, 2019" and inserting "until September 30, 2025";~~ ~~and~~

(1) by striking "the date of enactment of this section and ending on September 30, 2019" and inserting "the effective date of the Pesticide Registration Improvement Extension Act of 2017 and ending on September 30, 2022"; and

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(2) by inserting after "registration of a pesticide under this Act" the following: "or any other action covered under a table specified in section 33(b)(3),".

(c) EXTENSION OF PROHIBITION ON TOLERANCE FEES.—Section 408(m)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(m)(3)) is amended by striking "2017" and inserting "~~2023~~ *2020*".

SEC. 3. REREGISTRATION AND EXPEDITED PROCESSING FUND.

(a) AUTHORIZED USE OF FUND.—Section 4(k)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(k)(2)(A)) is amended—

(1) in the first sentence, by striking "the fund" and inserting "the Reregistration and Expedited Processing Fund";

(2) by striking "paragraph (3)," in the first sentence and all that follows through *the period at the end of* the second sentence and inserting the following: "paragraph (3), to offset the costs of registration review under section 3(g), including the costs associated with any review under the Endangered Species Act of 1973 (16 U.S.C. 1531 et. seq.) required as part of the registration review, to offset the costs associated with tracking and implementing

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registration review decisions, including registration review decisions designed to reduce risk, for the purposes specified in paragraphs (4) and (5), and to enhance the information systems capabilities to improve the tracking of pesticide registration decisions.";

(3) in clause (i), by striking "are allocated solely" and all that follows through "3(g);" and inserting the following: "are allocated solely for the purposes specified in the first sentence of this subparagraph;"; and

(4) in clause (ii), by striking "necessary to achieve" and all that follows through "3(g);" and inserting the following: "necessary to achieve the purposes specified in the first sentence of this subparagraph;".

(b) SET-ASIDE FOR REVIEW OF INERT INGREDIENTS AND EXPEDITED PROCESSING OF SIMILAR APPLICATIONS.—Section 4(k)(3)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(k)(3)(A)) is amended, in the matter preceding clause (i), by striking "The Administrator shall use" and all that follows through "personnel and resources—" and inserting the following: "For each of fiscal years ~~2017 through 2023~~ *2018 through 2020*, the Administrator shall use between

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1/9 and 1/8 of the maintenance fees collected in such fiscal year to obtain sufficient personnel and resources—".

(c) SET-ASIDE FOR EXPEDITED RULEMAKING AND GUIDANCE DEVELOPMENT FOR CERTAIN PURPOSES.—Paragraph (4) of section 4(k) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(k)) is amended to read as follows:

"(4) EXPEDITED RULEMAKING AND GUIDANCE DEVELOPMENT FOR CERTAIN PRODUCT PERFORMANCE DATA REQUIREMENTS.—

"(A) SET-ASIDE.—For each of fiscal years ~~2017 through 2021~~ *2018 through 2020*, the Administrator shall use not more than $500,000 of the amounts made available to the Administrator in the Reregistration and Expedited Processing Fund for the activities described in subparagraph (B).

"(B) PRODUCTS CLAIMING EFFICACY AGAINST INVERTEBRATE PESTS OF SIGNIFICANT PUBLIC HEALTH OR ECONOMIC IMPORTANCE.—The Administrator shall use amounts made available under subparagraph (A) to develop, receive comments with respect to, finalize, and implement the necessary rulemaking and guidance for product performance data re-

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quirements to evaluate products claiming efficacy against the following invertebrate pests of significant public health or economic importance (in order of importance):

"(i) Bed bugs.

"(ii) Premise (including crawling insects, flying insects, and baits).

"(iii) Pests of pets (including pet pests controlled by spot-ons, collars, shampoos, powders, *or* dips).

"(iv) Fire ants.

"(C) DEADLINES FOR GUIDANCE.—The Administrator shall develop, and publish guidance required by subparagraph (B) with respect to claims of efficacy against pests described in such subparagraph as follows:

"(i) With respect to bed bugs, issue final guidance not later than ~~June 30, 2017.~~ *30 days after the effective date of the Pesticide Registration Improvement Extension Act of 2017.*

"(ii) With respect to pests specified in clause (ii) of such subparagraph—

"(I) submit draft guidance to the Scientific Advisory Panel and for pub-

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lic comment not later than June 30, 2018; and

"(II) complete any response to comments received with respect to such draft guidance and finalize the guidance not later than September 30, ~~2020~~ *2019*.

"(iii) With respect to pests specified in clauses (iii) and (iv) of such subparagraph—

"(I) submit to the Scientific Advisory Panel and for public comment draft guidance not later than June 30, 2019; and

"(II) complete any response to comments received with respect to such draft guidance and finalize the guidance not later than March 31, 2021.

"(D) REVISION.—The Administrator shall revise the guidance required by subparagraph (B) from ~~time-to-time~~ *time to time*, but shall permit applicants and registrants sufficient time to obtain data that meet the requirements specified in such revised guidance.

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"(E) DEADLINE FOR PRODUCT PERFORMANCE DATA REQUIREMENTS.—The Administrator shall, not later than September 30, 2021, issue regulations prescribing product performance data requirements for any pesticide intended for preventing, destroying, repelling, or mitigating any invertebrate pest of significant public health or economic importance specified in clauses (i) through (iv) of subparagraph (B).".

(d) SET-ASIDE FOR GOOD LABORATORY PRACTICES INSPECTIONS.—Section 4(k) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(k)) is amended—

(1) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(2) by inserting after paragraph (4) the following new paragraph:

"(5) GOOD LABORATORY PRACTICES INSPECTIONS.—

"(A) SET-ASIDE.—For each of fiscal years ~~2017 through 2023~~ *2018 through 2020*, the Administrator shall use not more than $500,000 of the amounts made available to the Administrator in the Reregistration and Expedited

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Processing Fund for the activities described in subparagraph (B).

"(B) ACTIVITIES.—The Administrator shall use amounts made available under subparagraph (A) for enhancements to the good laboratory practices standards compliance monitoring program established under part 160 of title 40 of the Code of Federal Regulations (or successor regulations), with respect to laboratory inspections and data audits conducted in support of pesticide product registrations under this Act. As part of such monitoring program, the Administrator shall make available to each laboratory inspected under such program in support of such registrations a preliminary summary of inspection observations not later than 60 days after the date on which such an inspection is completed."; and

(3) in paragraph (7), as so redesignated, by striking " paragraphs (2), (3), and (4)" and inserting " paragraphs (2), (3), (4), and (5)".

SEC. 4. EXPERIMENTAL USE PERMITS FOR PESTICIDES.

Section 5(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136c(a)) is amended—

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(1) by striking "permit for a pesticide." and inserting "permit for a pesticide. An application for an experimental use permit for a covered application under section 33(b) shall conform with the requirements of that section."; and

(2) by inserting "(or in the case of an application for an experimental use permit for a covered application under section 33(b), not later than the last day of the applicable timeframe for such application specified in such section)" after "all required supporting data".

SEC. 5. PESTICIDE REGISTRATION SERVICE FEES.

(a) EXTENSION AND MODIFICATION OF FEE AUTHORITY.—Section 33(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(b)) is amended—

(1) in paragraph (2)—

(A) in the heading, by striking "PESTICIDE REGISTRATION"; and

(B) in subparagraph (A), by inserting "or for any other action covered by a table specified in paragraph (3)" after "covered by this Act that is received by the Administrator on or after the effective date of the Pesticide Registration Improvement Act of 2003";

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(2) in paragraph (5)—

(A) in the heading, by striking "PESTICIDE REGISTRATION APPLICATIONS" and inserting ~~"COVERED APPLICATION";~~ ~~and~~ *"COVERED APPLICATIONS"; and*

(B) by striking "pesticide registration application" both places it appears and inserting "covered application";

(3) in paragraph (6)—

~~(A) in subparagraph (A)—~~

~~(i) by striking "pesticide registration";~~ ~~and~~

~~(ii) by striking "October 1, 2013, and ending on September 30, 2015"~~ ~~and inserting "October 1, 2019, and ending on September 30, 2021";~~

~~(B) in subparagraph (B)—~~

~~(i) by striking "pesticide registration";~~ ~~and~~

~~(ii) by striking "2015" both places in appears,~~ ~~and inserting "2021";~~ ~~and~~

~~(C) in~~

(A) in subparagraph (A), by striking "pesticide registration"; and

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(B) in subparagraph (C), by striking "revised registration service fee schedules" and inserting "service fee schedules revised pursuant to this paragraph";

(4) in paragraph (7)—

(A) in subparagraph (A)—

(i) by striking "covered pesticide registration" and inserting "covered application"; and

(ii) by inserting before the period at the end the following: ", except that no waiver or fee reduction shall be provided in connection with a request for a letter of certification (commonly referred to as a Gold Seal letter)"; and

(B) in subparagraph (F)(i), by striking "pesticide registration"; and

(5) in paragraph (8)—

(A) in subparagraph (A), by striking "pesticide registration";

(B) in subparagraph (B)(i), by striking "pesticide registration"; and

(C) in subparagraph (C)—

(i) in clause (i), by striking "pesticide registration" and inserting "covered"; and

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(ii) in clause (ii)(I), by striking "pesticide registration" and inserting "covered".

(b) PESTICIDE REGISTRATION FUND SET-ASIDES FOR WORKER PROTECTION, PARTNERSHIP GRANTS, AND PESTICIDE SAFETY EDUCATION.—Section 33(c)(3)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(c)(3)(B)) is amended—

(1) in the heading, by inserting ", PARTNERSHIP GRANTS, AND PESTICIDE SAFETY EDUCATION" after "WORKER PROTECTION";

(2) in clause (i)—

(A) by striking "2017" and inserting "~~2023~~ *2020*"; and

(B) by inserting before the period at the end the following:", with an emphasis on field-worker populations in the United States";

(3) in clause (ii), by striking "2017" and inserting "~~2023~~ *2020*"; and

(4) in clause (iii), by striking "2017" and inserting "~~2023~~ *2020*".

(c) REFORMS TO REDUCE DECISION TIME REVIEW PERIODS.—Section 33(e) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(e)) is amended—

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(1) by striking "Pesticide Registration Improvement Extension Act of 2012" and inserting "Pesticide Registration ~~Enhancement~~ *Improvement Extension* Act of 2017"; and

(2) by inserting at the end the following new sentence: "Such reforms shall include identifying opportunities for streamlining review processes for applications for a new active ingredient or a new use and providing prompt feedback to applicants during such review process.".

(d) DECISION TIME REVIEW PERIODS.—Section 33(f) of the Federal Insecticide, Fungicide, and Rodenticide Act ~~(7 U.S.C. 136w–8(f)(1))~~ *(7 U.S.C. 136w–8(f))* is amended—

(1) in paragraph (1)—

(A) by striking "Pesticide Registration Improvement Extension Act of 2012" and inserting "Pesticide Registration ~~Enhancement~~ *Improvement Extension* Act of 2017"; and

(B) by inserting after "covered pesticide registration actions" the following: "or for any other action covered by a table specified in subsection (b)(3)";

(2) in paragraph (3), by striking subparagraph (C) and inserting the following new subparagraph:

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"(C) applications for any other action covered by a table specified in subsection (b)(3).";

and

(3) in paragraph (4)(A)—

(A) by striking "a pesticide registration application" and inserting "a covered application"; and

(B) by striking "covered pesticide registration application" and inserting "covered application".

(e) REPORTING REQUIREMENTS.—Section 33(k) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(k)) is amended—

(1) in paragraph (1) by striking "2017" and inserting "~~2023~~ *2020*"; and

(2) in paragraph (2)—

(A) in subparagraph (D), by striking clause (i) and inserting the following new clause:

"(i) the number of pesticides or pesticide cases reviewed and the number of registration review decisions completed, including—

"(I) the number of cases cancelled;

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"(II) the number of cases requiring risk mitigation measures;

"(III) the number of cases removing risk mitigation measures;

"(IV) the number of cases with no risk mitigation needed; and

"(V) the number of cases in which risk mitigation has been fully implemented;";

(B) in subparagraph (G)—

(i) in clause (i)—

(I) by striking "section 4(k)(4)" and inserting "paragraphs (4) and (5) of section 4(k)"; and

(II) by striking "that section" and inserting "such paragraphs";

(ii) by striking clauses (ii), (iii), (iv), (v), and (vi);

(iii) by inserting after clause (i) the following new clause:

"(ii) implementing enhancements to—

"(I) the electronic tracking of covered applications;

"(II) the electronic tracking of conditional registrations;

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"(III) the endangered species database;

"(IV) the electronic review of labels submitted with covered applications; and

"(V) the electronic review and assessment of confidential statements of formula submitted with covered applications; and"; and

(iv) by redesignating clause (vii) as clause (iii);

(C) in subparagraph (I), by striking "and" at the end;

(D) in subparagraph (J), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following new subparagraphs:

"(K) a review of the progress made in developing, updating, and implementing product performance test guidelines for pesticide products that are intended to control invertebrate pests of significant public health importance and, by regulation, prescribing product per-

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formance data requirements for such pesticide products registered under section 3;

"(L) a review of the progress made in the priority review and approval of new pesticides to control ~~vector-born public health pests~~ *invertebrate public health pests that may transmit vector-borne disease* for use in the United States, including each territory or possession of the United States, and United States military installations globally;

"(M) a review of the progress made in implementing enhancements to the good laboratory practices standards compliance monitoring program established under part 160 of title 40 of the Code of Federal Regulations (or successor regulations);

"(N) the number of approvals for active ingredients, new uses, and pesticide end use products granted in connection with the Design for the Environment program (or any successor program) of the Environmental Protection Agency; and

"(O) with respect to funds in the Pesticide Registration Fund reserved under subsection (c)(3), a review that includes—

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"(i) a description of the amount and use of such funds—

"(I) to carry out activities relating to worker protection under clause (i) of subsection (c)(3)(B);

"(II) to award partnership grants under clause (ii) of such subsection; and

"(III) to carry out the pesticide safety education program under clause (iii) of such subsection;

"(ii) an evaluation of the appropriateness and effectiveness of the activities, grants, and program described in clause (i);

"(iii) a description of how stakeholders are engaged in the decision to fund such activities, grants, and program; and

"(iv) with respect to activities relating to worker protection carried out under subparagraph (B)(i) of such subsection, a summary of the analyses from stakeholders, including from worker community-based organizations, on the appropriateness and effectiveness of such activities.".

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(f) TERMINATION OF EFFECTIVENESS.—Section 33(m) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(m)) is amended—

(1) in paragraph (1), by striking "2017" and inserting "~~2023~~ *2020*"; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "FISCAL YEAR 2018.—During fiscal year 2018" and inserting ~~"FISCAL YEAR 2024.—During fiscal year 2024";~~ ~~and~~ *"FISCAL YEAR 2021.—During fiscal year 2021"; and*

(ii) by striking "2017" and inserting "~~2023~~ *2020*";

(B) in subparagraph (B)—

(i) by striking "FISCAL YEAR 2019.—During fiscal year 2019" and inserting ~~"FISCAL YEAR 2025.—During fiscal year 2025";~~ ~~and~~ *"FISCAL YEAR 2022.—During fiscal year 2022"; and*

(ii) by striking "2017" and inserting "~~2023~~ *2020*";

(C) in subparagraph (C), by striking "SEPTEMBER 30, 2019.—Effective September 30, ~~2019~~" ~~and inserting "SEPTEMBER 30, 2025.—~~

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~~Effective September 30, 2025"; and~~ *2019" and inserting "SEPTEMBER 30, 2022.—Effective September 30, 2022"; and*

(D) in subparagraph (D), by striking "2017" both places it appears and inserting "~~2023~~ *2020*".

SEC. 6. REVISION OF TABLES REGARDING COVERED PESTICIDE REGISTRATION APPLICATIONS AND OTHER COVERED ACTIONS AND THEIR CORRESPONDING REGISTRATION SERVICE FEES.

Paragraph (3) of section 33(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w–8(b)) is amended to read as follows:

~~"(3) SCHEDULE OF COVERED APPLICATIONS AND OTHER ACTIONS AND THEIR REGISTRATION SERVICE FEES.—Subject to paragraph (6), the schedule of registration applications and other covered actions and their corresponding registration service fees shall be as follows:~~

~~"TABLE 1. — REGISTRATION DIVISION — NEW ACTIVE INGREDIENTS~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R010~~	~~1~~	~~New Active Ingredient, Food use. (2)(3)~~	~~24~~	~~753,082~~

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~~"TABLE 1. — REGISTRATION DIVISION — NEW ACTIVE INGREDIENTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R020~~	~~2~~	~~New Active Ingredient, Food use; reduced risk. (2)(3)~~	~~18~~	~~627,568~~
~~R040~~	~~3~~	~~New Active Ingredient, Food use; Experimental Use Permit application; establish temporary tolerance; submitted before application for registration; credit 45% of fee toward new active ingredient application that follows. (3)~~	~~18~~	~~462,502~~
~~R060~~	~~4~~	~~New Active Ingredient, Nonfood use; outdoor. (2)(3)~~	~~21~~	~~523,205~~
~~R070~~	~~5~~	~~New Active Ingredient, Nonfood use; outdoor; reduced risk. (2)(3)~~	~~16~~	~~436,004~~

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~~"TABLE 1. — REGISTRATION DIVISION — NEW ACTIVE INGREDIENTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R090~~	~~6~~	~~New Active Ingredient, Nonfood use; outdoor; Experimental Use Permit application; submitted before application for registration; credit 45% of fee toward new active ingredient application that follows. (3)~~	~~16~~	~~323,690~~
~~R110~~	~~7~~	~~New Active Ingredient, Nonfood use; indoor. (2)(3)~~	~~20~~	~~290,994~~
~~R120~~	~~8~~	~~New Active Ingredient, Nonfood use; indoor; reduced risk. (2)(3)~~	~~14~~	~~242,495~~
~~R121~~	~~9~~	~~New Active Ingredient, Nonfood use; indoor; Experimental Use Permit application; submitted before application for registration; credit 45% of fee toward new active ingredient application that follows. (3)~~	~~18~~	~~182,327~~

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~~"TABLE 1. — REGISTRATION DIVISION — NEW ACTIVE INGREDIENTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R122~~	~~10~~	~~Enriched isomer(s) of registered mixed-isomer active ingredient. (2)(3)~~	~~18~~	~~317,128~~
~~R123~~	~~11~~	~~New Active Ingredient, Seed treatment only; includes agricultural and non-agricultural seeds; residues not expected in raw agricultural commodities. (2)(3)~~	~~18~~	~~471,861~~
~~R125~~	~~12~~	~~New Active Ingredient, Seed treatment; Experimental Use Permit application; submitted before application for registration; credit 45% of fee toward new active ingredient application that follows. (3)~~	~~16~~	~~323,690~~

~~(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.~~

~~(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.~~

~~(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.~~

~~"TABLE 2. — REGISTRATION DIVISION — NEW USES~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R130~~	~~13~~	~~First food use; indoor; food/food handling. (2) (3)~~	~~21~~	~~191,444~~
~~R140~~	~~14~~	~~Additional food use; Indoor; food/food handling. (3) (4)~~	~~15~~	~~44,672~~
~~R150~~	~~15~~	~~First food use. (2)(3)~~	~~21~~	~~317,104~~

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~~"TABLE 2. — REGISTRATION DIVISION — NEW USES—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R155~~	~~16 (new)~~	~~First food use, Experimental Use Permit application; a.i. registered for non-food outdoor use. (3)(4)~~	~~21~~	~~264,253~~
~~R160~~	~~17~~	~~First food use; reduced risk. (2)(3)~~	~~16~~	~~264,253~~
~~R170~~	~~18~~	~~Additional food use. (3) (4)~~	~~15~~	~~79,349~~
~~R175~~	~~19~~	~~Additional food uses covered within a crop group resulting from the conversion of existing approved crop group(s) to one or more revised crop groups. (3)(4)~~	~~10~~	~~66,124~~
~~R180~~	~~20~~	~~Additional food use; reduced risk. (3)(4)~~	~~10~~	~~66,124~~
~~R190~~	~~21~~	~~Additional food uses; 6 or more submitted in one application. (3)(4)~~	~~15~~	~~476,090~~
~~R200~~	~~22~~	~~Additional Food Use; 6 or more submitted in one application; Reduced Risk. (3)(4)~~	~~10~~	~~396,742~~

~~"TABLE 2. — REGISTRATION DIVISION — NEW USES—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R210~~	~~23~~	~~Additional food use; Experimental Use Permit application; establish temporary tolerance; no credit toward new use registration. (3)(4)~~	~~12~~	~~48,986~~
~~R220~~	~~24~~	~~Additional food use; Experimental Use Permit application; crop destruct basis; no credit toward new use registration. (3)(4)~~	~~6~~	~~19,838~~
~~R230~~	~~25~~	~~Additional use; non-food; outdoor. (3) (4)~~	~~15~~	~~31,713~~
~~R240~~	~~26~~	~~Additional use; non-food; outdoor; reduced risk. (3)(4)~~	~~10~~	~~26,427~~
~~R250~~	~~27~~	~~Additional use; non-food; outdoor; Experimental Use Permit application; no credit toward new use registration. (3)(4)~~	~~6~~	~~19,838~~

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~~"TABLE 2. — REGISTRATION DIVISION — NEW USES—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R251~~	~~28~~	~~Experimental Use Permit application which requires no changes to the tolerance(s); non-crop destruct basis. (3)~~	~~8~~	~~19,838~~
~~R260~~	~~29~~	~~New use; non-food; indoor. (3) (4)~~	~~12~~	~~15,317~~
~~R270~~	~~30~~	~~New use; non-food; indoor; reduced risk. (3)(4)~~	~~9~~	~~12,764~~
~~R271~~	~~31~~	~~New use; non-food; indoor; Experimental Use Permit application; no credit toward new use registration. (3)(4)~~	~~6~~	~~9,725~~
~~R273~~	~~32~~	~~Additional use; seed treatment; limited uptake into Raw Agricultural Commodities; includes crops with established tolerances (e.g., for soil or foliar application); includes food and/or non-food uses. (3)(4)~~	~~12~~	~~50,445~~

~~"TABLE 2. — REGISTRATION DIVISION — NEW USES—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R274~~	~~33~~	~~Additional uses; seed treatment only; 6 or more submitted in one application; limited uptake into raw agricultural commodities; includes crops with established tolerances (e.g., for soil or foliar application); includes food and/or non-food uses. (3)(4)~~	~~12~~	~~302,663~~

~~(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.~~

~~(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.~~

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~~(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.~~

~~(4) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screen, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.~~

~~"TABLE 3. — REGISTRATION DIVISION — IMPORT AND OTHER TOLERANCES~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R280~~	~~34~~	~~Establish import tolerance; new active ingredient or first food use. (2)~~	~~21~~	~~319,072~~
~~R290~~	~~35~~	~~Establish Import tolerance; Additional new food use.~~	~~15~~	~~63,816~~

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~~"TABLE 3. — REGISTRATION DIVISION — IMPORT AND OTHER TOLERANCES—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R291~~	~~36~~	~~Establish import tolerances; additional food uses; 6 or more crops submitted in one petition.~~	~~15~~	~~382,886~~
~~R292~~	~~37~~	~~Amend an established tolerance (e.g., decrease or increase) and/or harmonize established tolerances with Codex MRLs; domestic or import; applicant-initiated.~~	~~11~~	~~45,341~~
~~R293~~	~~38~~	~~Establish tolerance(s) for inadvertent residues in one crop; applicant-initiated.~~	~~12~~	~~53,483~~
~~R294~~	~~39~~	~~Establish tolerances for inadvertent residues; 6 or more crops submitted in one application; applicant-initiated.~~	~~12~~	~~320,894~~

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~~"TABLE 3. — REGISTRATION DIVISION — IMPORT AND OTHER TOLERANCES—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R295~~	~~40~~	~~Establish tolerance(s) for residues in one rotational crop in response to a specific rotational crop application; submission of corresponding label amendments which specify the necessary plant-back restrictions; applicant-initiated. (3) (4)~~	~~15~~	~~66,124~~
~~R296~~	~~41~~	~~Establish tolerances for residues in rotational crops in response to a specific rotational crop petition; 6 or more crops submitted in one application; submission of corresponding label amendments which specify the necessary plant-back restrictions; applicant-initiated. (3) (4)~~	~~15~~	~~396,742~~

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~~"TABLE 3. — REGISTRATION DIVISION — IMPORT AND OTHER TOLERANCES—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R297~~	~~42~~	~~Amend 6 or more established tolerances (e.g., decrease or increase) in one petition; domestic or import; applicant-initiated.~~	~~11~~	~~272,037~~
~~R298~~	~~43~~	~~Amend an established tolerance (e.g., decrease or increase); domestic or import; submission of corresponding amended labels (requiring science review). (3) (4)~~	~~13~~	~~58,565~~
~~R299~~	~~44~~	~~Amend 6 or more established tolerances (e.g., decrease or increase); domestic or import; submission of corresponding amended labels (requiring science review). (3) (4)~~	~~13~~	~~285,261~~

~~(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.~~

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~~(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.~~

~~(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.~~

~~(4) Amendment applications to add the revised use pattern(s) to registered product labels are covered by the base fee for the category. All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the amendment application package is subject to the registration service fee for a new product or a new inert approval. However, if an amendment application only proposes to register the amendment for a new product and there are no amendments in the application, then review of one new product application is covered by the base fee. All such associated applications that are submitted together will be subject to the category decision review time.~~

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~~"TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R300~~	~~45~~	~~New product; or similar combination product (already registered) to an identical or substantially similar in composition and use to a registered product; registered source of active ingredient; no data review on acute toxicity, efficacy or CRP – only product chemistry data; cite-all data citation, or selective data citation where applicant owns all required data, or applicant submits specific authorization letter from data owner. Category also includes 100% re-package of registered end-use or manufacturing-use product that requires no data submission nor data matrix. (2)(3)~~	~~4~~	~~1,582~~

~~"TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R301~~	~~46~~	~~New product; or similar combination product (already registered) to an identical or substantially similar in composition and use to a registered product; registered source of active ingredient; selective data citation only for data on product chemistry and/or acute toxicity and/or public health pest efficacy (identical data citation and claims to cited product(s)), where applicant does not own all required data and does not have a specific authorization letter from data owner. (2)(3)~~	~~4~~	~~1,897~~

~~"TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R310~~	~~47~~	~~New end-use or manufacturing-use product with registered source(s) of active ingredient(s); includes products containing two or more registered active ingredients previously combined in other registered products; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only:~~ ● ~~product chemistry and/or~~ ● ~~acute toxicity and/or~~ ● ~~child resistant packaging and/or~~ ● ~~pest(s) requiring efficacy (4) - for up to 3 target pests. (2)(3)~~	~~7~~	~~7,301~~

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~~"TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R314~~	~~48~~	~~New end use product containing up to three registered active ingredients never before registered as this combination in a formulated product; new product label is identical or substantially similar to the labels of currently registered products which separately contain the respective component active ingredients; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only:~~ ● ~~product chemistry and/or~~ ● ~~acute toxicity and/or~~ ● ~~child resistant packaging and/or~~ ● ~~pest(s) requiring efficacy (4) - for up to 3 target pests. (2)(3)~~	~~8~~	~~8,626~~

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~~"TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R319~~	~~49~~	~~New end use product containing up to three registered active ingredients never before registered as this combination in a formulated product; new product label is identical or substantially similar to the labels of currently registered products which separately contain the respective component active ingredients; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only:~~ ● ~~product chemistry and/or~~ ● ~~acute toxicity and/or~~ ● ~~child resistant packaging and/or~~ ● ~~pest(s) requiring efficacy (4) - for 4 to 7 target pests. (2)(3)~~	~~10~~	~~12,626~~

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~~"TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R318~~	~~50 (new)~~	~~New end use product containing four or more registered active ingredients never before registered as this combination in a formulated product; new product label is identical or substantially similar to the labels of currently registered products which separately contain the respective component active ingredients; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only:~~ ● ~~product chemistry and/or~~ ● ~~acute toxicity and/or~~ ● ~~child resistant packaging and/or~~ ● ~~pest(s) requiring efficacy (4) - for up to 3 target pests. (2)(3)~~	~~9~~	~~13,252~~

~~"TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R321~~	~~51 (new)~~	~~New end use product containing four or more registered active ingredients never before registered as this combination in a formulated product; new product label is identical or substantially similar to the labels of currently registered products which separately contain the respective component active ingredients; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only:~~ ● ~~product chemistry and/or~~ ● ~~acute toxicity and/or~~ ● ~~child resistant packaging and/or~~ ● ~~pest(s) requiring efficacy (4) - for 4 to 7 target pests. (2)(3)~~	~~11~~	~~17,252~~

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~~"TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R315~~	~~52~~	~~New end-use, on-animal product, registered source of active ingredient(s), with the submission of data and/or waivers for only:~~ ● ~~animal safety and~~ ● ~~pest(s) requiring efficacy (4) and/or~~ ● ~~product chemistry and/or~~ ● ~~acute toxicity and/or~~ ● ~~child resistant packaging. (2) (3)~~	~~9~~	~~9,820~~

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~~"TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R316~~	~~53 (new)~~	~~New end-use or manufacturing product with registered source(s) of active ingredient(s) including products containing two or more registered active ingredients previously combined in other registered products; excludes products requiring or citing an animal safety study; and requires review of data and/or waivers for only:~~ ● ~~product chemistry and/or~~ ● ~~acute toxicity and/or~~ ● ~~child resistant packaging and/or~~ ● ~~pest(s) requiring efficacy (4) - for greater than 3 and up to 7 target pests. (2)(3)~~	~~9~~	~~11,301~~

~~"TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R317~~	~~54 (new)~~	~~New end-use or manufacturing product with registered source(s) of active ingredient(s) including products containing 2 or more registered active ingredients previously combined in other registered products; excludes products requiring or citing an animal safety study; and requires review of data and/or waivers for only:~~ ● ~~product chemistry and/or~~ ● ~~acute toxicity and/or~~ ● ~~child resistant packaging and/or~~ ● ~~pest(s) requiring efficacy (4) - for greater than 7 target pests. (2)(3)~~	~~10~~	~~15,301~~
~~R320~~	~~55~~	~~New product; new physical form; requires data review in science divisions. (2)(3)~~	~~12~~	~~13,226~~

~~"TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R331~~	~~56~~	~~New product; repack of identical registered end-use product as a manufacturing-use product, or identical registered manufacturing-use product as an end use product; same registered uses only. (2)(3)~~	~~3~~	~~2,530~~
~~R332~~	~~57~~	~~New manufacturing-use product; registered active ingredient; unregistered source of active ingredient; submission of completely new generic data package; registered uses only; requires review in RD and science divisions. (2)(3)~~	~~24~~	~~283,215~~

~~"TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R333~~	~~58~~	~~New product; MUP or End use product with unregistered source of active ingredient; requires science data review; new physical form; etc. Cite-all or selective data citation where applicant owns all required data. (2)(3)~~	~~10~~	~~19,838~~
~~R334~~	~~59~~	~~New product; MUP or End use product with unregistered source of the active ingredient; requires science data review; new physical form; etc. Selective data citation. (2)(3)~~	~~11~~	~~23,100~~

~~(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.~~

~~(2) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.~~

~~(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.~~

~~(4) For the purposes of classifying proposed registration actions into PRIA categories, "pest(s) requiring efficacy" are: public health pests listed in PR Notice 2002-1, livestock pests (e.g. Horn flies, Stable flies), wood-destroying pests (e.g. termites, carpenter ants, wood-boring beetles) and certain invasive species (e.g. Asian Longhorned beetle, Emerald Ashborer). This list may be updated/refined as invasive pest needs arise. To determine the number of pests for the PRIA categories, pests have been placed into groups (general; e.g., cockroaches) and pest specific (specifically a test species). If seeking a label claim against a pest group (general), use the group listing below and each group will count as 1. The general pests groups are: mites, dust mites, chiggers, ticks, hard ticks, soft ticks, cattle ticks, scorpions, spiders, centipedes, lice, fleas, cockroaches, keds, bot flies, screwworms, filth flies, blow flies, house flies, flesh flies, mosquitoes, biting flies, horse flies, stable flies, deer flies, sand flies, biting midges, black flies, true bugs, bed bugs, stinging bees, wasps, yellow jackets, hornets, ants (excluding carpenter ants), fire and harvester ants, wood destroying beetles, carpenter ants, termites, subterranean termites, dry wood termites, arboreal termites, damp wood termites and invasive species. If seeking a claim against a specific pest without a general claim then each specific pest will count as 1.~~

~~"TABLE 5. — REGISTRATION DIVISION — AMENDMENTS~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R340~~	~~60~~	~~Amendment requiring data review within RD (e.g., changes to precautionary label statements); includes adding/modifying pest(s) claims for up to 2 target pests, excludes products requiring or citing an animal safety study. (2)(3)(4)~~	~~4~~	~~4,988~~

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~~"TABLE 5. — REGISTRATION DIVISION — AMENDMENTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R341~~	~~61 (New)~~	~~Amendment requiring data review within RD (e.g., changes to precautionary label statements), includes adding/modifying pest(s) claims for greater than 2 target pests, excludes products requiring or citing an animal safety study. (2)(3)(4)~~	~~6~~	~~5,988~~
~~R345~~	~~62~~	~~Amending on-animal products previously registered, with the submission of data and/or waivers for only:~~ ~~● animal safety and~~ ~~● pest(s) requiring efficacy (4) and/or~~ ~~● product chemistry and/or~~ ~~● acute toxicity and/or~~ ~~● child resistant packaging. (2)(3)~~	~~7~~	~~8,820~~
~~R350~~	~~63~~	~~Amendment requiring data review in science divisions (e.g., changes to REI, or PPE, or PHI, or use rate, or number of applications; or add aerial application; or modify GW/SW advisory statement). (2)(3)~~	~~9~~	~~13,226~~

~~"TABLE 5. — REGISTRATION DIVISION — AMENDMENTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R351~~	~~64~~	~~Amendment adding a new unregistered source of active ingredient. (2)(3)~~	~~8~~	~~13,226~~
~~R352~~	~~65~~	~~Amendment adding already approved uses; selective method of support; does not apply if the applicant owns all cited data. (2) (3)~~	~~8~~	~~13,226~~
~~R371~~	~~66~~	~~Amendment to Experimental Use Permit; (does not include extending a permit's time period). (3)~~	~~6~~	~~10,090~~

~~(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.~~

~~(2) (a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in FIFRA Section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in FIFRA Section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under PR Notices, such as PR Notice 98-10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.~~

~~(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.~~

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~~(4) For the purposes of classifying proposed registration actions into PRIA categories, "pest(s) requiring efficacy" are: public health pests listed in PR Notice 2002-1, livestock pests (e.g. Horn flies, Stable flies), wood-destroying pests (e.g. termites, carpenter ants, wood-boring beetles) and certain invasive species (e.g. Asian Longhorned beetle, Emerald Ashborer). This list may be updated/refined as invasive pest needs arise. To determine the number of pests for the PRIA categories, pests have been placed into groups (general; e.g., cockroaches) and pest specific (specifically a test species). If seeking a label claim against a pest group (general), use the group listing below and each group will count as 1. The general pests groups are: mites, dust mites, chiggers, ticks, hard ticks, soft ticks, cattle ticks, scorpions, spiders, centipedes, lice, fleas, cockroaches, keds, bot flies, screwworms, filth flies, blow flies, house flies, flesh flies, mosquitoes, biting flies, horse flies, stable flies, deer flies, sand flies, biting midges, black flies, true bugs, bed bugs, stinging bees, wasps, yellow jackets, hornets, ants (excluding carpenter ants), fire and harvester ants, wood destroying beetles, carpenter ants, termites, subterranean termites, dry wood termites, arboreal termites, damp wood termites and invasive species. If seeking a claim against a specific pest without a general claim then each specific pest will count as 1.~~

~~"TABLE 6. — REGISTRATION DIVISION — OTHER ACTIONS~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~R124~~	~~67~~	~~Conditional Ruling on Pre-application Study Waivers; applicant-initiated.~~	~~6~~	~~2,530~~
~~R272~~	~~68~~	~~Review of Study Protocol applicant-initiated; excludes DART, pre-registration conference, Rapid Response review, DNT protocol review, protocol needing HSRB review.~~	~~3~~	~~2,530~~
~~R275~~	~~69~~	~~Rebuttal of agency reviewed protocol, applicant initiated.~~	~~3~~	~~2,530~~
~~R370~~	~~70~~	~~Cancer reassessment; applicant-initiated.~~	~~18~~	~~198,250~~

~~(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.~~

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~~"TABLE 7. — ANTIMICROBIALS DIVISION — NEW ACTIVE INGREDIENTS~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~A380~~	~~71~~	~~New Active Ingredient; Indirect Food use; establish tolerance or tolerance exemption if required. (2)(3)~~	~~24~~	~~137,841~~
~~A390~~	~~72~~	~~New Active Ingredient; Direct Food use; establish tolerance or tolerance exemption if required. (2)(3)~~	~~24~~	~~229,733~~
~~A410~~	~~73~~	~~New Active Ingredient Non-food use.(2)(3)~~	~~21~~	~~229,733~~
~~A431~~	~~74~~	~~New Active Ingredient, Non-food use; low-risk. (2)(3)~~	~~12~~	~~80,225~~

~~(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.~~

~~(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.~~

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~~(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.~~

~~"TABLE 8. — ANTIMICROBIALS DIVISION — NEW USES~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~A440~~	~~75~~	~~New Use, Indirect Food Use, establish tolerance or tolerance exemption. (2)(3)(4)~~	~~21~~	~~31,910~~
~~A441~~	~~76~~	~~Additional Indirect food uses; establish tolerances or tolerance exemptions if required; 6 or more submitted in one application. (3)(4)(5)~~	~~21~~	~~114,870~~
~~A450~~	~~77~~	~~New use, Direct food use, establish tolerance or tolerance exemption. (2)(3)(4)~~	~~21~~	~~95,724~~

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~~"TABLE 8. — ANTIMICROBIALS DIVISION — NEW USES—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~A451~~	~~78~~	~~Additional Direct food uses; establish tolerances or tolerance exemptions if required; 6 or more submitted in one application. (3)(4)(5)~~	~~21~~	~~182,335~~
~~A500~~	~~79~~	~~New use, nonfood. (4)(5)~~	~~12~~	~~31,910~~
~~A501~~	~~80~~	~~New use, nonfood; 6 or more submitted in one application. (4)(5)~~	~~15~~	~~76,583~~

~~(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.~~

~~(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.~~

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~~(3) If EPA data rules are amended to newly require clearance under section 408 of the FFDCA for an ingredient of an antimicrobial product where such ingredient was not previously subject to such a clearance, then review of the data for such clearance of such product is not subject to a registration service fee for the tolerance action for two years from the effective date of the rule.~~

~~(4) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.~~

~~(5) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screen, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.~~

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~~"TABLE 9. — ANTIMICROBIALS DIVISION — NEW PRODUCTS AND AMENDMENTS~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~A530~~	~~81~~	~~New product, identical or substantially similar in composition and use to a registered product; no data review or only product chemistry data; cite all data citation or selective data citation where applicant owns all required data; or applicant submits specific authorization letter from data owner. Category also includes 100% re-package of registered end-use or manufacturing use product that requires no data submission nor data matrix. (2)(3)~~	~~4~~	~~1,278~~

~~"TABLE 9. — ANTIMICROBIALS DIVISION — NEW PRODUCTS AND AMENDMENTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~A531~~	~~82~~	~~New product; identical or substantially similar in composition and use to a registered product; registered source of active ingredient: selective data citation only for data on product chemistry and/or acute toxicity and/or public health pest efficacy, where applicant does not own all required data and does not have a specific authorization letter from data owner. (2)(3)~~	4	~~1,824~~

~~"TABLE 9. — ANTIMICROBIALS DIVISION — NEW PRODUCTS AND AMENDMENTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~A532~~	~~83~~	~~New product; identical or substantially similar in composition and use to a registered product; registered active ingredient; unregistered source of active ingredient; cite-all data citation except for product chemistry; product chemistry data submitted. (2)(3)~~	~~5~~	~~5,107~~
~~A540~~	~~84~~	~~New end use product; FIFRA §2(mm) uses only; up to 25 public health organisms. (2)(3)(5)(6)~~	~~5~~	~~5,107~~
~~A541~~	~~85 (new)~~	~~New end use product; FIFRA §2(mm) uses only; 26-50 public health organisms. (2)(3)(5)(6)~~	~~7~~	~~8,500~~

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~~"TABLE 9. — ANTIMICROBIALS DIVISION — NEW PRODUCTS AND AMENDMENTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~A542~~	~~86 (new)~~	~~New end use product; FIFRA §2(mm) uses only; ≥ 51 public health organisms. (2)(3)(5)~~	~~10~~	~~15,000~~
~~A550~~	~~87~~	~~New end-use product; uses other than FIFRA §2(mm); non-FQPA product. (2)(3)(5)~~	~~9~~	~~13,226~~
~~A560~~	~~88~~	~~New manufacturing use product; registered active ingredient; selective data citation. (2)(3)~~	~~6~~	~~12,596~~
~~A565~~	~~89 (new)~~	~~New manufacturing-use product; registered active ingredient; unregistered source of active ingredient; submission of new generic data package; registered uses only; requires science review. (2)(3)~~	~~12~~	~~18,234~~

~~"TABLE 9. — ANTIMICROBIALS DIVISION — NEW PRODUCTS AND AMENDMENTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~A570~~	~~90~~	~~Label amendment requiring data review; up to 25 public health organisms. (3)(4)(5)(6)~~	~~4~~	~~3,831~~
~~A573~~	~~91 (new)~~	~~Label amendment requiring data review; 26–50 public health organisms. (2)(3)(5)(7)~~	~~6~~	~~6,350~~
~~A574~~	~~92 (new)~~	~~Label amendment requiring data review; ≥ 51 public health organisms. (2)(3)(5)(7)~~	~~9~~	~~11,000~~
~~A572~~	~~93~~	~~New Product or amendment requiring data review for risk assessment by Science Branch (e.g., changes to REI, or PPE, or use rate). (2)(3)(4)~~	~~9~~	~~13,226~~

~~(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.~~

~~(2) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.~~

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~~(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.~~

~~(4)(a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in FIFRA Section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in FIFRA Section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under PR Notices, such as PR Notice 98–10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.~~

~~(5) The applicant must identify the substantially similar product if opting to use cite-all or the selective method to support acute toxicity data requirements.~~

~~(6) Once a submission for a new product with public health organisms has been submitted and classified in either A540 or A541, additional organisms submitted for the same product before expiration of the first submission's original decision review time period will result in reclassification of both the original and subsequent submission into the appropriate new category based on the sum of the number or organisms in both submissions. A reclassification would result in a new PRIA start date and require additional fees to meet the fee of the new category.~~

~~(7) Once a submission for a label amendment with public health organisms has been submitted and classified in either A570 or A573, additional organisms submitted for the same product before expiration of the first submission's original decision review time period will result in reclassification of both the original and subsequent submission into the appropriate new category based on the sum of the number or organisms in both submissions. A reclassification would result in a new PRIA start date and require additional fees to meet the fee of the new category.~~

~~"TABLE 10. — ANTIMICROBIALS DIVISION — EXPERIMENTAL USE PERMITS AND OTHER ACTIONS~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~A520~~	~~94~~	~~Experimental Use Permit application, non-food use. (2)~~	~~9~~	~~6,383~~

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~~"TABLE 10. — ANTIMICROBIALS DIVISION — EXPERIMENTAL USE PERMITS AND OTHER ACTIONS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~A521~~	~~95~~	~~Review of public health efficacy study protocol within AD, per AD Internal Guidance for the Efficacy Protocol Review Process; Code will also include review of public health efficacy study protocol and data review for devices making pesticidal claims; applicant initiated; Tier 1.~~	4	~~4,726~~
~~A522~~	~~96~~	~~Review of public health efficacy study protocol outside AD by members of AD Efficacy Protocol Review Expert Panel; Code will also include review of public health efficacy study protocol and data review for devices making pesticidal claims; applicant initiated; Tier 2.~~	~~12~~	~~12,156~~

~~"TABLE 10. — ANTIMICROBIALS DIVISION — EXPERIMENTAL USE PERMITS AND OTHER ACTIONS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~A537~~	~~97 (new)~~	~~New Active Ingredient/New Use, Experimental Use Permit application; Direct food use; Establish tolerance or tolerance exemption if required. Credit 45% of fee toward new active ingredient/new use application that follows.~~	~~18~~	~~153,156~~
~~A538~~	~~98 (new)~~	~~New Active Ingredient/New Use, Experimental Use Permit application; Indirect food use; Establish tolerance or tolerance exemption if required Credit 45% of fee toward new active ingredient/new use application that follows.~~	~~18~~	~~95,724~~

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~~"TABLE 10. — ANTIMICROBIALS DIVISION — EXPERIMENTAL USE PERMITS AND OTHER ACTIONS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~A539~~	~~99 (new)~~	~~New Active Ingredient/New Use, Experimental Use Permit application; Nonfood use. Credit 45% of fee toward new active ingredient/new use application that follows.~~	~~15~~	~~92,163~~
~~A529~~	~~100~~	~~Amendment to Experimental Use Permit; requires data review or risk assessment. (2)~~	~~9~~	~~11,429~~
~~A523~~	~~101~~	~~Review of protocol other than a public health efficacy study (i.e., Toxicology or Exposure Protocols).~~	~~9~~	~~12,156~~
~~A571~~	~~102~~	~~Science reassessment: Cancer risk, refined ecological risk, and/or endangered species; applicant initiated.~~	~~18~~	~~95,724~~

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~~"TABLE 10. — ANTIMICROBIALS DIVISION — EXPERIMENTAL USE PERMITS AND OTHER ACTIONS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~A533~~	~~103 (new)~~	~~Exemption from the requirement of an Experimental Use Permit. (2)~~	~~4~~	~~2,482~~
~~A534~~	~~104 (new)~~	~~Rebuttal of agency reviewed protocol, applicant initiated.~~	~~4~~	~~4,726~~
~~A535~~	~~105 (new)~~	~~Conditional Ruling on Pre-application Study Waiver or Data Bridging Argument; applicant initiated.~~	~~6~~	~~2,409~~
~~A536~~	~~106 (new)~~	~~Conditional Ruling on Pre-application Direct Food, Indirect Food, Nonfood use determination; applicant initiated.~~	~~4~~	~~2,482~~

~~(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.~~

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~~(2) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.~~

~~"TABLE 11. — BIOPESTICIDES DIVISION — NEW ACTIVE INGREDIENTS~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B580~~	~~107~~	~~New active ingredient; food use; petition to establish a tolerance. (2)(3)~~	~~20~~	~~51,053~~
~~B590~~	~~108~~	~~New active ingredient; food use; petition to establish a tolerance exemption. (2)(3)~~	~~18~~	~~31,910~~
~~B600~~	~~109~~	~~New active ingredient; non-food use. (2)(3)~~	~~13~~	~~19,146~~
~~B610~~	~~110~~	~~New active ingredient; Experimental Use Permit application; petition to establish a temporary tolerance or temporary tolerance exemption. (3)~~	~~10~~	~~12,764~~

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~~"TABLE 11. — BIOPESTICIDES DIVISION — NEW ACTIVE INGREDIENTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B611~~	~~111~~	~~New active ingredient; Experimental Use Permit application; petition to establish permanent tolerance exemption. (3)~~	~~12~~	~~12,764~~
~~B612~~	~~112~~	~~New active ingredient; no change to a permanent tolerance exemption. (2)(3)~~	~~10~~	~~17,550~~
~~B613~~	~~113~~	~~New active ingredient; petition to convert a temporary tolerance or a temporary tolerance exemption to a permanent tolerance or tolerance exemption. (2)(3)~~	~~11~~	~~17,550~~
~~B620~~	~~114~~	~~New active ingredient; Experimental Use Permit application; non-food use including crop destruct. (3)~~	~~7~~	~~6,383~~

~~(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.~~

~~(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.~~

~~(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.~~

~~"TABLE 12. — BIOPESTICIDES DIVISION — NEW USES~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B630~~	~~115~~	~~First food use; petition to establish a tolerance exemption. (2)(4)~~	~~13~~	~~12,764~~
~~B631~~	~~116~~	~~New food use; petition to amend an established tolerance. (3)(4)~~	~~12~~	~~12,764~~

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~~"TABLE 12. — BIOPESTICIDES DIVISION — NEW USES—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B640~~	~~117~~	~~First food use; petition to establish a tolerance. (2)(4)~~	~~19~~	~~19,146~~
~~B643~~	~~118~~	~~New Food use; petition to amend an established tolerance exemption. (3)(4)~~	~~10~~	~~12,764~~
~~B642~~	~~119~~	~~First food use; indoor; food/food handling. (2)(4)~~	~~12~~	~~31,910~~
~~B644~~	~~120~~	~~New use, no change to an established tolerance or tolerance exemption. (3)(4)~~	~~8~~	~~12,764~~
~~B650~~	~~121~~	~~New use; non-food. (3)(4)~~	~~7~~	~~6,383~~
~~B645~~	~~122 (new)~~	~~New food use; Experimental Use Permit application; petition to amend or add a tolerance exemption. (4)~~	~~12~~	~~12,764~~
~~B646~~	~~123 (new)~~	~~New use; non-food use including crop destruct; Experimental Use Permit application. (4)~~	~~7~~	~~6,383~~

~~(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.~~

~~(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.~~

~~(3) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screen, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.~~

~~(4) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.~~

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~~"TABLE 13. — BIOPESTICIDES DIVISION — NEW PRODUCTS~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B652~~	~~124~~	~~New product; registered source of active ingredient; requires petition to amend established tolerance or tolerance exemption; requires 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (2)(3)~~	~~13~~	~~12,764~~

~~"TABLE 13. — BIOPESTICIDES DIVISION — NEW PRODUCTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B660~~	~~125~~	~~New product; registered source of active ingredient(s); identical or substantially similar in composition and use to a registered product. No data review, or only product chemistry data; cite-all data citation, or selective data citation where applicant owns all required data or authorization from data owner is demonstrated. Category includes 100% repackage of registered end-use or manufacturing-use product that requires no data submission or data matrix. For microbial pesticides, the active ingredient(s) must not be re-isolated. (2)(3)~~	4	~~1,278~~

~~"TABLE 13. — BIOPESTICIDES DIVISION — NEW PRODUCTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B670~~	~~126~~	~~New product; registered source of active ingredient(s); requires: 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (2)(3)~~	~~7~~	~~5,107~~

~~"TABLE 13. — BIOPESTICIDES DIVISION — NEW PRODUCTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B671~~	~~127~~	~~New product; unregistered source of active ingredient(s); requires a petition to amend an established tolerance or tolerance exemption; requires: 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (2)(3)~~	~~17~~	~~12,764~~

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~~"TABLE 13. — BIOPESTICIDES DIVISION — NEW PRODUCTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B672~~	~~128~~	~~New product; unregistered source of active ingredient(s); non-food use or food use requires: 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (2)(3)~~	~~13~~	~~9,118~~

~~"TABLE 13. — BIOPESTICIDES DIVISION — NEW PRODUCTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B673~~	~~129~~	~~New product MUP/EP; unregistered source of active ingredient(s); citation of Technical Grade Active Ingredient (TGAI) data previously reviewed and accepted by the Agency. Requires an Agency determination that the cited data supports the new product. (2)(3)~~	~~10~~	~~5,107~~
~~B674~~	~~130~~	~~New product MUP; Repack of identical registered end-use product as a manufacturing-use product; same registered uses only. (2)(3)~~	~~4~~	~~1,278~~
~~B675~~	~~131~~	~~New Product MUP; registered source of active ingredient; submission of completely new generic data package; registered uses only. (2)(3)~~	~~10~~	~~9,118~~

~~"TABLE 13. — BIOPESTICIDES DIVISION — NEW PRODUCTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B676~~	~~132~~	~~New product; more than one active ingredient where one active ingredient is an unregistered source; product chemistry data must be submitted; requires: 1) submission of product specific data, and 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (2)(3)~~	~~13~~	~~9,118~~

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~~"TABLE 13. — BIOPESTICIDES DIVISION — NEW PRODUCTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B677~~	~~133~~	~~New end-use non-food animal product with submission of two or more target animal safety studies; includes data and/or waivers of data for only:~~ ● ~~product chemistry and/or~~ ● ~~acute toxicity and/or~~ ● ~~public health pest efficacy and/or~~ ● ~~animal safety studies and/or~~ ● ~~child resistant packaging.~~ ~~(2)(3)~~	~~10~~	~~8,820~~

~~(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.~~

~~(2) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.~~

~~(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.~~

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~~"TABLE 14. — BIOPESTICIDES DIVISION — AMENDMENTS~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B621~~	~~134~~	~~Amendment; Experimental Use Permit; no change to an established temporary tolerance or tolerance exemption. (3)~~	~~7~~	~~5,107~~
~~B622~~	~~135~~	~~Amendment; Experimental Use Permit; petition to amend an established or temporary tolerance or tolerance exemption. (3)~~	~~11~~	~~12,764~~
~~B641~~	~~136~~	~~Amendment of an established tolerance or tolerance exemption.~~	~~13~~	~~12,764~~
~~B680~~	~~137~~	~~Amendment; registered sources of active ingredient(s); no new use(s); no changes to an established tolerance or tolerance exemption. Requires data submission. (2)(3)~~	~~5~~	~~5,107~~
~~B681~~	~~138~~	~~Amendment; unregistered source of active ingredient(s). Requires data submission. (2)(3)~~	~~7~~	~~6,079~~
~~B683~~	~~139~~	~~Label amendment; requires review/update of previous risk assessment(s) without data submission (e.g., labeling changes to REI, PPE, PHI). (2)(3)~~	~~6~~	~~5,107~~
~~B684~~	~~140~~	~~Amending non-food animal product that includes submission of target animal safety data; previously registered. (2)(3)~~	~~8~~	~~8,820~~
~~B685~~	~~141 (new)~~	~~Amendment; add a new biochemical unregistered source of active ingredient or a new microbial production site. Requires submission of analysis of samples data and source/production site-specific manufacturing process description. (3)~~	~~5~~	~~5,107~~

~~(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.~~

~~(2) (a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in FIFRA Section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in FIFRA Section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under PR Notices, such as PR Notice 98-10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.~~

~~(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.~~

~~"TABLE 15. — BIOPESTICIDES DIVISION — SCLP~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B690~~	~~142~~	~~New active ingredient; food or non-food use. (2)(6)~~	~~7~~	~~2,554~~
~~B700~~	~~143~~	~~Experimental Use Permit application; new active ingredient or new use. (6)~~	~~7~~	~~1,278~~
~~B701~~	~~144~~	~~Extend or amend Experimental Use Permit. (6)~~	~~4~~	~~1,278~~

~~"TABLE 15. — BIOPESTICIDES DIVISION — SCLP — Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B710~~	~~145~~	~~New product; registered source of active ingredient(s); identical or substantially similar in composition and use to a registered product; no change in an established tolerance or tolerance exemption. No data review, or only product chemistry data; cite-all data citation, or selective data citation where applicant owns all required data or authorization from data owner is demonstrated. Category includes 100% re-package of registered end-use or manufacturing-use product that requires no data submission or data matrix. (3)(6)~~	4	~~1,278~~

~~"TABLE 15. — BIOPESTICIDES DIVISION — SCLP — Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B720~~	~~146~~	~~New product; registered source of active ingredient(s); requires: 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (3)(6)~~	~~5~~	~~1,278~~

~~"TABLE 15. — BIOPESTICIDES DIVISION — SCLP — Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B721~~	~~147~~	~~New product; unregistered source of active ingredient. (3)(6)~~	~~7~~	~~2,676~~
~~B722~~	~~148~~	~~New use and/or amendment; petition to establish a tolerance or tolerance exemption. (4)(5)(6)~~	~~7~~	~~2,477~~
~~B730~~	~~149~~	~~Label amendment requiring data submission. (4)(6)~~	~~5~~	~~1,278~~

~~(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.~~

~~(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.~~

~~(3) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.~~

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~~(4) (a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in FIFRA Section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in FIFRA Section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under PR Notices, such as PR Notice 98-10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.~~

~~(5) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screen, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.~~

~~(6) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.~~

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~~"TABLE 16. — BIOPESTICIDES DIVISION — OTHER ACTIONS~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B614~~	~~150~~	~~Pre-application; Conditional Ruling on rationales for addressing a data requirement in lieu of data; applicant-initiated; applies to one rationale at a time.~~	~~3~~	~~2,530~~
~~B615~~	~~151~~	~~Rebuttal of agency reviewed protocol, applicant initiated.~~	~~3~~	~~2,530~~
~~B682~~	~~152~~	~~Protocol review; applicant initiated; excludes time for HSRB review.~~	~~3~~	~~2,432~~

~~(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.~~

~~"TABLE 17. — BIOPESTICIDES DIVISION — PIP~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B740~~	~~153~~	~~Experimental Use Permit application; no petition for tolerance/tolerance exemption. Includes:~~ ~~1. non-food/feed use(s) for a new (2) or registered (3) PIP (12);~~ ~~2. food/feed use(s) for a new or registered PIP with crop destruct (12);~~ ~~3. food/feed use(s) for a new or registered PIP in which an established tolerance/tolerance exemption exists for the intended use(s). (4)(12)~~	~~6~~	~~95,724~~

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~~"TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B741~~	~~154 (new)~~	~~Experimental Use Permit application; no petition for tolerance/tolerance exemption. Includes:~~ ~~1. non-food/feed use(s) for a new (2) or registered (3) PIP;~~ ~~2. food/feed use(s) for a new or registered PIP with crop destruct;~~ ~~3. food/feed use(s) for a new or registered PIP in which an established tolerance/tolerance exemption exists for the intended use(s);~~ ~~SAP Review. (12)~~	~~12~~	~~159,538~~
~~B750~~	~~155~~	~~Experimental Use Permit application; with a petition to establish a temporary or permanent tolerance/tolerance exemption for the active ingredient. Includes new food/feed use for a registered (3) PIP. (4)(12)~~	~~9~~	~~127,630~~

~~"TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B770~~	~~156~~	~~Experimental Use Permit application; new (2) PIP; with petition to establish a temporary tolerance/tolerance exemption for the active ingredient; credit 75% of B771 fee toward registration application for a new active ingredient that follows; SAP review. (5)(12)~~	~~15~~	~~191,444~~
~~B771~~	~~157~~	~~Experimental Use Permit application; new (2) PIP; with petition to establish a temporary tolerance/tolerance exemption for the active ingredient; credit 75% of B771 fee toward registration application for a new active ingredient that follows. (12)~~	~~10~~	~~127,630~~
~~B772~~	~~158~~	~~Application to amend or extend an Experimental Use Permit; no petition since the established tolerance/tolerance exemption for the active ingredient is unaffected. (12)~~	~~3~~	~~12,764~~

~~"TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B773~~	~~159~~	~~Application to amend or extend an Experimental Use Permit; with petition to extend a temporary tolerance/tolerance exemption for the active ingredient. (12)~~	~~5~~	~~31,910~~
~~B780~~	~~160~~	~~Registration application; new (2) PIP; non-food/feed. (12)~~	~~12~~	~~159,537~~
~~B790~~	~~161~~	~~Registration application; new (2) PIP; non-food/feed; SAP review. (5)(12)~~	~~18~~	~~223,351~~
~~B800~~	~~162~~	~~Registration application; new (2) PIP; with petition to establish permanent tolerance/tolerance exemption for the active ingredient based on an existing temporary tolerance/tolerance exemption. (12)~~	~~13~~	~~172,300~~

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~~"TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B810~~	~~163~~	~~Registration application; new (2) PIP; with petition to establish permanent tolerance/tolerance exemption for the active ingredient based on an existing temporary tolerance/tolerance exemption. SAP review. (5)(12)~~	~~19~~	~~236,114~~
~~B820~~	~~164~~	~~Registration application; new (2) PIP; with petition to establish or amend a permanent tolerance/tolerance exemption of an active ingredient. (12)~~	~~15~~	~~204,208~~
~~B840~~	~~165~~	~~Registration application; new (2) PIP; with petition to establish or amend a permanent tolerance/tolerance exemption of an active ingredient. SAP review. (5)(12)~~	~~21~~	~~268,022~~

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~~"TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B851~~	~~166~~	~~Registration application; new event of a previously registered PIP active ingredient(s); no petition since permanent tolerance/tolerance exemption is already established for the active ingredient(s). (12)~~	~~9~~	~~127,630~~
~~B870~~	~~167~~	~~Registration application; registered (3) PIP; new product; new use; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). (4) (12)~~	~~9~~	~~38,290~~
~~B880~~	~~168~~	~~Registration application; registered (3) PIP; new product or new terms of registration; additional data submitted; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). (6) (7) (12)~~	~~9~~	~~31,910~~

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~~"TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B881~~	~~169~~	~~Registration application; registered (3) PIP; new product or new terms of registration; additional data submitted; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). SAP review. (5)(6)(7)(12)~~	~~15~~	~~95,724~~
~~B882~~	~~170 (new)~~	~~Registration application; new (2) PIP, seed increase with negotiated acreage cap and time-limited registration; with petition to establish a permanent tolerance/tolerance exemption for the active ingredient based on an existing temporary tolerance/tolerance exemption; SAP Review. (8)(12)~~	~~15~~	~~191,444~~

~~"TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B883~~	~~171~~	~~Registration application; new (2) PIP, seed increase with negotiated acreage cap and time-limited registration; with petition to establish a permanent tolerance/tolerance exemption for the active ingredient based on an existing temporary tolerance/tolerance exemption. (8) (12)~~	~~9~~	~~127,630~~
~~B884~~	~~172~~	~~Registration application; new (2) PIP, seed increase with negotiated acreage cap and time-limited registration; with petition to establish a permanent tolerance/tolerance exemption for the active ingredient. (8)(12)~~	~~12~~	~~159,537~~
~~B885~~	~~173~~	~~Registration application; registered (3) PIP, seed increase; breeding stack of previously approved PIPs, same crop; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). (9)(12)~~	~~6~~	~~31,910~~

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~~"TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B886~~	~~174 (new)~~	~~Registration application; new (2) PIP, seed increase with negotiated acreage cap and time-limited registration; with petition to establish a permanent tolerance/tolerance exemption for the active ingredient. SAP Review. (8) (12)~~	~~18~~	~~223,351~~
~~B890~~	~~175~~	~~Application to amend a seed increase registration; converts registration to commercial registration; no petition since permanent tolerance/tolerance exemption is already established for the active ingredient(s). (12)~~	~~9~~	~~63,816~~
~~B891~~	~~176~~	~~Application to amend a seed increase registration; converts registration to a commercial registration; no petition since a permanent tolerance/tolerance exemption already established for the active ingredient(s); SAP review. (5)(12)~~	~~15~~	~~127,630~~

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~~"TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B900~~	~~177~~	~~Application to amend a registration, including actions such as extending an expiration date, modifying an IRM plan, or adding an insect to be controlled. (10)(11)(12)~~	~~6~~	~~12,764~~
~~B901~~	~~178~~	~~Application to amend a registration, including actions such as extending an expiration date, modifying an IRM plan, or adding an insect to be controlled. SAP review. (10) (11) (12)~~	~~12~~	~~76,578~~
~~B902~~	~~179~~	~~PIP Protocol review.~~	~~3~~	~~6,383~~
~~B903~~	~~180~~	~~Inert ingredient tolerance exemption; e.g., a marker such as NPT II; reviewed in BPPD.~~	~~6~~	~~63,816~~
~~B904~~	~~181~~	~~Import tolerance or tolerance exemption; processed commodities/food only (inert or active ingredient).~~	~~9~~	~~127,630~~
~~B905~~	~~182 (new)~~	~~SAP Review.~~	~~6~~	~~63,816~~

~~"TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~B906~~	~~183 (new)~~	~~Petition to establish a temporary tolerance/tolerance exemption for one or more active ingredients.~~	~~3~~	~~31,907~~
~~B907~~	~~184 (new)~~	~~Petition to establish a temporary tolerance/tolerance exemption for one or more active ingredients based on an existing temporary tolerance/tolerance exemption.~~	~~3~~	~~12,764~~
~~B908~~	~~185 (new)~~	~~Petition to establish a temporary tolerance/tolerance exemption for one or more active ingredients or inert ingredients.~~	~~3~~	~~44,671~~

~~(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.~~

~~(2) New PIP = a PIP with an active ingredient that has not been registered.~~

~~(3) Registered PIP = a PIP with an active ingredient that is currently registered.~~

~~(4) Transfer registered PIP through conventional breeding for new food/feed use, such as from field corn to sweet corn.~~

~~(5) The scientific data involved in this category are complex. EPA often seeks technical advice from the Scientific Advisory Panel on risks that pesticides pose to wildlife, farm workers, pesticide applicators, non-target species, as well as insect resistance, and novel scientific issues surrounding new technologies. The scientists of the SAP neither make nor recommend policy decisions. They provide advice on the science used to make these decisions. Their advice is invaluable to the EPA as it strives to protect humans and the environment from risks posed by pesticides. Due to the time it takes to schedule and prepare for meetings with the SAP, additional time and costs are needed.~~

~~(6) Registered PIPs stacked through conventional breeding.~~

~~(7) Deployment of a registered PIP with a different IRM plan (e.g., seed blend).~~

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~~(8) The negotiated acreage cap will depend upon EPA's determination of the potential environmental exposure, risk(s) to non-target organisms, and the risk of targeted pest developing resistance to the pesticidal substance. The uncertainty of these risks may reduce the allowable acreage, based upon the quantity and type of non-target organism data submitted and the lack of insect resistance management data, which is usually not required for seed-increase registrations. Registrants are encouraged to consult with EPA prior to submission of a registration application in this category.~~

~~(9) Application can be submitted prior to or concurrently with an application for commercial registration.~~

~~(10) For example, IRM plan modifications that are applicant-initiated.~~

~~(11) EPA-initiated amendments shall not be charged fees.~~

~~(12) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.~~

~~"TABLE 18. — INERT INGREDIENTS~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~I001~~	~~186~~	~~Approval of new food use inert ingredient. (2)(3)~~	~~13~~	~~27,000~~
~~I002~~	~~187~~	~~Amend currently approved inert ingredient tolerance or exemption from tolerance; new data. (2)~~	~~11~~	~~7,500~~
~~I003~~	~~188~~	~~Amend currently approved inert ingredient tolerance or exemption from tolerance; no new data. (2)~~	~~9~~	~~3,308~~

~~"TABLE 18. — INERT INGREDIENTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~I004~~	~~189~~	~~Approval of new non-food use inert ingredient. (2)~~	~~6~~	~~11,025~~
~~I005~~	~~190~~	~~Amend currently approved non-food use inert ingredient with new use pattern; new data. (2)~~	~~6~~	~~5,513~~
~~I006~~	~~191~~	~~Amend currently approved non-food use inert ingredient with new use pattern; no new data. (2)~~	~~3~~	~~3,308~~
~~I007~~	~~192~~	~~Approval of substantially similar non-food use inert ingredients when original inert is compositionally similar with similar use pattern. (2)~~	~~4~~	~~1,654~~
~~I008~~	~~193~~	~~Approval of new or amended polymer inert ingredient, food use. (2)~~	~~5~~	~~3,749~~
~~I009~~	~~194~~	~~Approval of new or amended polymer inert ingredient, non-food use. (2)~~	~~4~~	~~3,087~~

~~"TABLE 18. — INERT INGREDIENTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~I010~~	~~195~~	~~Petition to amend a single tolerance exemption descriptor, or single non-food use descriptor, to add ≤ 10 CASRNs; no new data. (2)~~	~~6~~	~~1,654~~
~~I011~~	~~196 (new)~~	~~Approval of new food use safener with tolerance or exemption from tolerance. (2)(8)~~	~~24~~	~~597,683~~
~~I012~~	~~197 (new)~~	~~Approval of new non-food use safener. (2)(8)~~	~~21~~	~~415,241~~
~~I013~~	~~198 (new)~~	~~Approval of additional food use for previously approved safener with tolerance or exemption from tolerance. (2)~~	~~15~~	~~62,975~~
~~I014~~	~~199 (new)~~	~~Approval of additional non-food use for previously approved safener. (2)~~	~~15~~	~~25,168~~
~~I015~~	~~200 (new)~~	~~Approval of new generic data for previously approved food use safener. (2)~~	~~24~~	~~269,728~~

~~"TABLE 18. — INERT INGREDIENTS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~I016~~	~~201 (new)~~	~~Approval of amendment(s) to tolerance and label for previously approved safener. (2)~~	~~13~~	~~55,776~~

~~(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.~~

~~(2) If another covered application is submitted that depends upon an application to approve an inert ingredient, each application will be subject to its respective registration service fee. The decision review time line for both submissions will be the longest of the associated applications. If the application covers multiple ingredients grouped by EPA into one chemical class, a single registration service fee will be assessed for approval of those ingredients.~~

~~(3) If EPA data rules are amended to newly require clearance under section 408 of the FFDCA for an ingredient of an antimicrobial product where such ingredient was not previously subject to such a clearance, then review of the data for such clearance of such product is not subject to a registration service fee for the tolerance action for two years from the effective date of the rule.~~

~~(4) Any other covered application that is associated with and dependent on the HSRB review will be subject to its separate registration service fee. The decision review times for the associated actions run concurrently, but will end at the date of the latest review time.~~

~~(5) Any other covered application that is associated with and dependent on the SAP review will be subject to its separate registration service fee. The decision review time for the associated action will be extended by the decision review time for the SAP review.~~

~~(6) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.~~

~~(7) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.~~

~~(8) If a new safener is submitted in the same package as a new active ingredient, and that new active ingredient is determined to be reduced risk, then the safener would get the same reduced timeframe as the new active ingredient.~~

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~~"TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~M001~~	~~202~~	~~Study protocol requiring Human Studies Review Board review as defined in 40 CFR Part 26 in support of an active ingredient. (4)~~	~~9~~	~~7,938~~
~~M002~~	~~203~~	~~Completed study requiring Human Studies Review Board review as defined in 40 CFR Part 26 in support of an active ingredient. (4)~~	~~9~~	~~7,938~~

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~~"TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~M003~~	~~204~~	~~External technical peer review of new active ingredient, product, or amendment (e.g., consultation with FIFRA Scientific Advisory Panel) for an action with a decision timeframe of less than 12 months. Applicant initiated request based on a requirement of the Administrator, as defined by FIFRA § 25(d), in support of a novel active ingredient, or unique use pattern or application technology. Excludes PIP active ingredients. (5)~~	~~12~~	~~63,945~~

~~"TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~M004~~	~~205~~	~~External technical peer review of new active ingredient, product, or amendment (e.g., consultation with FIFRA Scientific Advisory Panel) for an action with a decision timeframe of greater than 12 months. Applicant initiated request based on a requirement of the Administrator, as defined by FIFRA § 25(d), in support of a novel active ingredient, or unique use pattern or application technology. Excludes PIP active ingredients. (5)~~	~~18~~	~~63,945~~

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~~"TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~M005~~	~~206~~	~~New Product: Combination, Contains a combination of active ingredients from a registered and/or unregistered source; conventional, antimicrobial and/or biopesticide. Requires coordination with other regulatory divisions to conduct review of data, label and/or verify the validity of existing data as cited. Only existing uses for each active ingredient in the combination product. (6)(7)~~	~~9~~	~~22,050~~
~~M006~~	~~207~~	~~Request for up to 5 letters of certification (Gold Seal) for one actively registered product (excludes distributor products). (8)~~	~~1~~	~~277~~

~~"TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS—Continued~~

~~EPA No.~~	~~New CR No.~~	~~Action~~	~~Decision Review Time (Months)~~(1)	~~FY'17 & FY'18 Registration Service Fee ($)~~
~~M007~~	~~208~~	~~Request to extend Exclusive Use of data as provided by FIFRA Section 3(c)(1)(F)(ii).~~	~~12~~	~~5,513~~
~~M008~~	~~209~~	~~Request to grant Exclusive Use of data as provided by FIFRA Section 3(c)(1)(F)(vi) for a minor use, when a FIFRA Section 2(ll)(2) determination is required.~~	~~15~~	~~1,654~~
~~M009~~	~~210 (new)~~	~~Non-FIFRA Regulated Determination: Applicant initiated, per product.~~	~~4~~	~~2,363~~
~~M010~~	~~211 (new)~~	~~Conditional ruling on pre-application, product substantial similarity.~~	~~4~~	~~2,363~~
~~M011~~	~~212 (new)~~	~~Label amendment to add the DfE logo; requires data review; no other label changes. (9)~~	~~4~~	~~3,648~~

~~(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.~~

~~(2) If another covered application is submitted that depends upon an application to approve an inert ingredient, each application will be subject to its respective registration service fee. The decision review time line for both submissions will be the longest of the associated applications. If the application covers multiple ingredients grouped by EPA into one chemical class, a single registration service fee will be assessed for approval of those ingredients.~~

~~(3) If EPA data rules are amended to newly require clearance under section 408 of the FFDCA for an ingredient of an antimicrobial product where such ingredient was not previously subject to such a clearance, then review of the data for such clearance of such product is not subject to a registration service fee for the tolerance action for two years from the effective date of the rule.~~

~~(4) Any other covered application that is associated with and dependent on the HSRB review will be subject to its separate registration service fee. The decision review times for the associated actions run concurrently, but will end at the date of the latest review time.~~

~~(5) Any other covered application that is associated with and dependent on the SAP review will be subject to its separate registration service fee. The decision review time for the associated action will be extended by the decision review time for the SAP review.~~

~~(6) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.~~

~~(7) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.~~

~~(8) Due to low fee and short time frame this category is not eligible for small business waivers. Gold seal applies to one registered product.~~

~~(9) This category includes amendments the sole purpose of which is to add DfE (or equivalent terms that do not use "safe" or derivatives of "safe") logos to a label. DfE is a voluntary program. A label bearing a DfE logo is not considered an Agency endorsement because the ingredients in the qualifying product must meet objective, scientific criteria established and widely publicized by EPA.".~~

1 *"(3) SCHEDULE OF COVERED APPLICATIONS AND*
2 *OTHER ACTIONS AND THEIR REGISTRATION SERVICE*
3 *FEES.—Subject to paragraph (6), the schedule of reg-*
4 *istration applications and other covered actions and*
5 *their corresponding registration service fees shall be*
6 *as follows:*

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"TABLE 1. — REGISTRATION DIVISION — NEW ACTIVE INGREDIENTS

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R010	*1*	*New Active Ingredient, Food use. (2)(3)*	*24*	*753,082*
R020	*2*	*New Active Ingredient, Food use; reduced risk. (2)(3)*	*18*	*627,568*
R040	*3*	*New Active Ingredient, Food use; Experimental Use Permit application; establish temporary tolerance; submitted before application for registration; credit 45% of fee toward new active ingredient application that follows. (3)*	*18*	*462,502*
R060	*4*	*New Active Ingredient, Non-food use; outdoor. (2)(3)*	*21*	*523,205*
R070	*5*	*New Active Ingredient, Non-food use; outdoor; reduced risk. (2)(3)*	*16*	*436,004*

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"TABLE 1. — REGISTRATION DIVISION — NEW ACTIVE INGREDIENTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R090	*6*	*New Active Ingredient, Non-food use; outdoor; Experimental Use Permit application; submitted before application for registration; credit 45% of fee toward new active ingredient application that follows. (3)*	*16*	*323,690*
R110	*7*	*New Active Ingredient, Non-food use; indoor. (2)(3)*	*20*	*290,994*
R120	*8*	*New Active Ingredient, Non-food use; indoor; reduced risk. (2)(3)*	*14*	*242,495*
R121	*9*	*New Active Ingredient, Non-food use; indoor; Experimental Use Permit application; submitted before application for registration; credit 45% of fee toward new active ingredient application that follows. (3)*	*18*	*182,327*
R122	*10*	*Enriched isomer(s) of registered mixed-isomer active ingredient. (2)(3)*	*18*	*317,128*

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"TABLE 1. — REGISTRATION DIVISION — NEW ACTIVE INGREDIENTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R123	*11*	*New Active Ingredient, Seed treatment only; includes agricultural and non-agricultural seeds; residues not expected in raw agricultural commodities. (2)(3)*	*18*	*471,861*
R125	*12*	*New Active Ingredient, Seed treatment; Experimental Use Permit application; submitted before application for registration; credit 45% of fee toward new active ingredient application that follows. (3)*	*16*	*323,690*

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

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(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

"TABLE 2. — REGISTRATION DIVISION — NEW USES

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R130	*13*	*First food use; indoor; food/food handling. (2) (3)*	*21*	*191,444*
R140	*14*	*Additional food use; Indoor; food/food handling. (3) (4)*	*15*	*44,672*
R150	*15*	*First food use. (2)(3)*	*21*	*317,104*

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"TABLE 2. — REGISTRATION DIVISION — NEW USES— Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R155	*16 (new)*	*First food use, Experimental Use Permit application; a.i. registered for non-food outdoor use. (3)(4)*	*21*	*264,253*
R160	*17*	*First food use; reduced risk. (2)(3)*	*16*	*264,253*
R170	*18*	*Additional food use. (3) (4)*	*15*	*79,349*
R175	*19*	*Additional food uses covered within a crop group resulting from the conversion of existing approved crop group(s) to one or more revised crop groups. (3)(4)*	*10*	*66,124*
R180	*20*	*Additional food use; reduced risk. (3)(4)*	*10*	*66,124*
R190	*21*	*Additional food uses; 6 or more submitted in one application. (3)(4)*	*15*	*476,090*
R200	*22*	*Additional Food Use; 6 or more submitted in one application; Reduced Risk. (3)(4)*	*10*	*396,742*

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"TABLE 2. — REGISTRATION DIVISION — NEW USES— Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R210	*23*	*Additional food use; Experimental Use Permit application; establish temporary tolerance; no credit toward new use registration. (3)(4)*	*12*	*48,986*
R220	*24*	*Additional food use; Experimental Use Permit application; crop destruct basis; no credit toward new use registration. (3)(4)*	*6*	*19,838*
R230	*25*	*Additional use; non-food; outdoor. (3) (4)*	*15*	*31,713*
R240	*26*	*Additional use; non-food; outdoor; reduced risk. (3)(4)*	*10*	*26,427*
R250	*27*	*Additional use; non-food; outdoor; Experimental Use Permit application; no credit toward new use registration. (3)(4)*	*6*	*19,838*
R251	*28*	*Experimental Use Permit application which requires no changes to the tolerance(s); non-crop destruct basis. (3)*	*8*	*19,838*

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"TABLE 2. — REGISTRATION DIVISION — NEW USES— Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R260	*29*	*New use; non-food; indoor. (3) (4)*	*12*	*15,317*
R270	*30*	*New use; non-food; indoor; reduced risk. (3)(4)*	*9*	*12,764*
R271	*31*	*New use; non-food; indoor; Experimental Use Permit application; no credit toward new use registration. (3)(4)*	*6*	*9,725*
R273	*32*	*Additional use; seed treatment; limited uptake into Raw Agricultural Commodities; includes crops with established tolerances (e.g., for soil or foliar application); includes food and/or non-food uses. (3)(4)*	*12*	*50,445*

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"TABLE 2. — REGISTRATION DIVISION — NEW USES— Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R274	*33*	*Additional uses; seed treatment only; 6 or more submitted in one application; limited uptake into raw agricultural commodities; includes crops with established tolerances (e.g., for soil or foliar application); includes food and/or non-food uses. (3)(4)*	*12*	*302,663*

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

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(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screen, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.

"TABLE 3. — REGISTRATION DIVISION — IMPORT AND OTHER TOLERANCES

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R280	*34*	*Establish import tolerance; new active ingredient or first food use. (2)*	*21*	*319,072*
R290	*35*	*Establish Import tolerance; Additional new food use.*	*15*	*63,816*

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"TABLE 3. — REGISTRATION DIVISION — IMPORT AND OTHER TOLERANCES—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R291	*36*	*Establish import tolerances; additional food uses; 6 or more crops submitted in one petition.*	*15*	*382,886*
R292	*37*	*Amend an established tolerance (e.g., decrease or increase) and/or harmonize established tolerances with Codex MRLs; domestic or import; applicant-initiated.*	*11*	*45,341*
R293	*38*	*Establish tolerance(s) for inadvertent residues in one crop; applicant-initiated.*	*12*	*53,483*
R294	*39*	*Establish tolerances for inadvertent residues; 6 or more crops submitted in one application; applicant-initiated.*	*12*	*320,894*

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"TABLE 3. — REGISTRATION DIVISION — IMPORT AND OTHER TOLERANCES—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R295	*40*	*Establish tolerance(s) for residues in one rotational crop in response to a specific rotational crop application; submission of corresponding label amendments which specify the necessary plant-back restrictions; applicant-initiated. (3) (4)*	*15*	*66,124*
R296	*41*	*Establish tolerances for residues in rotational crops in response to a specific rotational crop petition; 6 or more crops submitted in one application; submission of corresponding label amendments which specify the necessary plant-back restrictions; applicant-initiated. (3) (4)*	*15*	*396,742*
R297	*42*	*Amend 6 or more established tolerances (e.g., decrease or increase) in one petition; domestic or import; applicant-initiated.*	*11*	*272,037*

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"TABLE 3. — REGISTRATION DIVISION — IMPORT AND OTHER TOLERANCES—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R298	*43*	*Amend an established tolerance (e.g., decrease or increase); domestic or import; submission of corresponding amended labels (requiring science review). (3) (4)*	*13*	*58,565*
R299	*44*	*Amend 6 or more established tolerances (e.g., decrease or increase); domestic or import; submission of corresponding amended labels (requiring science review). (3) (4)*	*13*	*285,261*

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

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(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) Amendment applications to add the revised use pattern(s) to registered product labels are covered by the base fee for the category. All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the amendment application package is subject to the registration service fee for a new product or a new inert approval. However, if an amendment application only proposes to register the amendment for a new product and there are no amendments in the application, then review of one new product application is covered by the base fee. All such associated applications that are submitted together will be subject to the category decision review time.

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"TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R300	*45*	*New product; or similar combination product (already registered) to an identical or substantially similar in composition and use to a registered product; registered source of active ingredient; no data review on acute toxicity, efficacy or CRP – only product chemistry data; cite-all data citation, or selective data citation where applicant owns all required data, or applicant submits specific authorization letter from data owner. Category also includes 100% repackage of registered end-use or manufacturing-use product that requires no data submission nor data matrix. (2)(3)*	*4*	*1,582*

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"TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R301	*46*	*New product; or similar combination product (already registered) to an identical or substantially similar in composition and use to a registered product; registered source of active ingredient; selective data citation only for data on product chemistry and/or acute toxicity and/or public health pest efficacy (identical data citation and claims to cited product(s)), where applicant does not own all required data and does not have a specific authorization letter from data owner. (2)(3)*	*4*	*1,897*

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"TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R310	*47*	*New end-use or manufacturing-use product with registered source(s) of active ingredient(s); includes products containing two or more registered active ingredients previously combined in other registered products; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only:* ● *product chemistry and/or* ● *acute toxicity and/or* ● *child resistant packaging and/or* ● *pest(s) requiring efficacy (4) - for up to 3 target pests. (2)(3)*	*7*	*7,301*

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"TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R314	*48*	*New end use product containing up to three registered active ingredients never before registered as this combination in a formulated product; new product label is identical or substantially similar to the labels of currently registered products which separately contain the respective component active ingredients; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only:* ● *product chemistry and/or* ● *acute toxicity and/or* ● *child resistant packaging and/or* ● *pest(s) requiring efficacy (4) - for up to 3 target pests. (2)(3)*	*8*	*8,626*

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"TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R319	*49*	*New end use product containing up to three registered active ingredients never before registered as this combination in a formulated product; new product label is identical or substantially similar to the labels of currently registered products which separately contain the respective component active ingredients; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only:* ● *product chemistry and/or* ● *acute toxicity and/or* ● *child resistant packaging and/or* ● *pest(s) requiring efficacy (4) - for 4 to 7 target pests. (2)(3)*	*10*	*12,626*

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"TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R318	*50 (new)*	*New end use product containing four or more registered active ingredients never before registered as this combination in a formulated product; new product label is identical or substantially similar to the labels of currently registered products which separately contain the respective component active ingredients; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only:* ● *product chemistry and/or* ● *acute toxicity and/or* ● *child resistant packaging and/or* ● *pest(s) requiring efficacy (4) - for up to 3 target pests. (2)(3)*	*9*	*13,252*

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"TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R321	*51 (new)*	*New end use product containing four or more registered active ingredients never before registered as this combination in a formulated product; new product label is identical or substantially similar to the labels of currently registered products which separately contain the respective component active ingredients; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only:* ● *product chemistry and/or* ● *acute toxicity and/or* ● *child resistant packaging and/or* ● *pest(s) requiring efficacy (4) - for 4 to 7 target pests. (2)(3)*	*11*	*17,252*

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"TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R315	*52*	*New end-use, on-animal product, registered source of active ingredient(s), with the submission of data and/or waivers for only:* ● *animal safety and* ● *pest(s) requiring efficacy (4) and/or* ● *product chemistry and/or* ● *acute toxicity and/or* ● *child resistant packaging. (2) (3)*	*9*	*9,820*

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"TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R316	*53 (new)*	*New end-use or manufacturing product with registered source(s) of active ingredient(s) including products containing two or more registered active ingredients previously combined in other registered products; excludes products requiring or citing an animal safety study; and requires review of data and/or waivers for only:* ● *product chemistry and/or* ● *acute toxicity and/or* ● *child resistant packaging and/or* ● *pest(s) requiring efficacy (4) - for greater than 3 and up to 7 target pests. (2)(3)*	*9*	*11,301*

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"TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R317	*54 (new)*	*New end-use or manufacturing product with registered source(s) of active ingredient(s) including products containing 2 or more registered active ingredients previously combined in other registered products; excludes products requiring or citing an animal safety study; and requires review of data and/or waivers for only:* ● *product chemistry and/or* ● *acute toxicity and/or* ● *child resistant packaging and/or* ● *pest(s) requiring efficacy (4) - for greater than 7 target pests. (2)(3)*	*10*	*15,301*
R320	*55*	*New product; new physical form; requires data review in science divisions. (2)(3)*	*12*	*13,226*

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"TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R331	*56*	*New product; repack of identical registered end-use product as a manufacturing-use product, or identical registered manufacturing-use product as an end use product; same registered uses only. (2)(3)*	*3*	*2,530*
R332	*57*	*New manufacturing-use product; registered active ingredient; unregistered source of active ingredient; submission of completely new generic data package; registered uses only; requires review in RD and science divisions. (2)(3)*	*24*	*283,215*
R333	*58*	*New product; MUP or End use product with unregistered source of active ingredient; requires science data review; new physical form; etc. Cite-all or selective data citation where applicant owns all required data. (2)(3)*	*10*	*19,838*

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"TABLE 4. — REGISTRATION DIVISION — NEW PRODUCTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R334	*59*	*New product; MUP or End use product with unregistered source of the active ingredient; requires science data review; new physical form; etc. Selective data citation. (2)(3)*	*11*	*23,100*

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) For the purposes of classifying proposed registration actions into PRIA categories, "pest(s) requiring efficacy" are: public health pests listed in PR Notice 2002-1, livestock pests (e.g. Horn flies, Stable flies), wood-destroying pests (e.g. termites, carpenter ants, wood-boring beetles) and certain invasive species (e.g. Asian Longhorned beetle, Emerald Ashborer). This list may be updated/refined as invasive pest needs arise. To determine the number of pests for the PRIA categories, pests have been placed into groups (general; e.g., cockroaches) and pest specific (specifically a test species). If seeking a label claim against a pest group (general), use the group listing below and each group will count as 1. The general pests groups are: mites, dust mites, chiggers, ticks, hard ticks, soft ticks, cattle ticks, scorpions, spiders, centipedes, lice, fleas, cockroaches, keds, bot flies, screwworms, filth flies, blow flies, house flies, flesh flies, mosquitoes, biting flies, horse flies, stable flies, deer flies, sand flies, biting midges, black flies, true bugs, bed bugs, stinging bees, wasps, yellow jackets, hornets, ants (excluding carpenter ants), fire and harvester ants, wood destroying beetles, carpenter ants, termites, subterranean termites, dry wood termites, arboreal termites, damp wood termites and invasive species. If seeking a claim against a specific pest without a general claim then each specific pest will count as 1.

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"TABLE 5. — REGISTRATION DIVISION — AMENDMENTS

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R340	*60*	*Amendment requiring data review within RD (e.g., changes to precautionary label statements); includes adding/modifying pest(s) claims for up to 2 target pests, excludes products requiring or citing an animal safety study. (2)(3)(4)*	*4*	*4,988*
R341	*61 (New)*	*Amendment requiring data review within RD (e.g., changes to precautionary label statements), includes adding/modifying pest(s) claims for greater than 2 target pests, excludes products requiring or citing an animal safety study. (2)(3)(4)*	*6*	*5,988*
R345	*62*	*Amending on-animal products previously registered, with the submission of data and/or waivers for only:* ● *animal safety and* ● *pest(s) requiring efficacy (4) and/or* ● *product chemistry and/or* ● *acute toxicity and/or* ● *child resistant packaging. (2)(3)*	*7*	*8,820*

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"TABLE 5. — REGISTRATION DIVISION — AMENDMENTS— Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R350	*63*	*Amendment requiring data review in science divisions (e.g., changes to REI, or PPE, or PHI, or use rate, or number of applications; or add aerial application; or modify GW/SW advisory statement). (2)(3)*	*9*	*13,226*
R351	*64*	*Amendment adding a new unregistered source of active ingredient. (2)(3)*	*8*	*13,226*
R352	*65*	*Amendment adding already approved uses; selective method of support; does not apply if the applicant owns all cited data. (2) (3)*	*8*	*13,226*
R371	*66*	*Amendment to Experimental Use Permit; (does not include extending a permit's time period). (3)*	*6*	*10,090*

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) (a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in FIFRA Section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in FIFRA Section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under PR Notices, such as PR Notice 98-10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.

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(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) For the purposes of classifying proposed registration actions into PRIA categories, "pest(s) requiring efficacy" are: public health pests listed in PR Notice 2002-1, livestock pests (e.g. Horn flies, Stable flies), wood-destroying pests (e.g. termites, carpenter ants, wood-boring beetles) and certain invasive species (e.g. Asian Longhorned beetle, Emerald Ashborer). This list may be updated/refined as invasive pest needs arise. To determine the number of pests for the PRIA categories, pests have been placed into groups (general; e.g., cockroaches) and pest specific (specifically a test species). If seeking a label claim against a pest group (general), use the group listing below and each group will count as 1. The general pests groups are: mites, dust mites, chiggers, ticks, hard ticks, soft ticks, cattle ticks, scorpions, spiders, centipedes, lice, fleas, cockroaches, keds, bot flies, screwworms, filth flies, blow flies, house flies, flesh flies, mosquitoes, biting flies, horse flies, stable flies, deer flies, sand flies, biting midges, black flies, true bugs, bed bugs, stinging bees, wasps, yellow jackets, hornets, ants (excluding carpenter ants), fire and harvester ants, wood destroying beetles, carpenter ants, termites, subterranean termites, dry wood termites, arboreal termites, damp wood termites and invasive species. If seeking a claim against a specific pest without a general claim then each specific pest will count as 1.

"TABLE 6. — REGISTRATION DIVISION — OTHER ACTIONS

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
R124	*67*	*Conditional Ruling on Pre-application Study Waivers; applicant-initiated.*	*6*	*2,530*

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"TABLE 6. — REGISTRATION DIVISION — OTHER ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
R272	68	Review of Study Protocol applicant-initiated; excludes DART, pre-registration conference, Rapid Response review, DNT protocol review, protocol needing HSRB review.	3	2,530
R275	69	Rebuttal of agency reviewed protocol, applicant initiated.	3	2,530
R370	70	Cancer reassessment; applicant-initiated.	18	198,250

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

"TABLE 7. — ANTIMICROBIALS DIVISION — NEW ACTIVE INGREDIENTS

EPA No.	New CR No.	Action	Decision Review Time (Months)(1)	Registration Service Fee ($)
A380	71	New Active Ingredient; Indirect Food use; establish tolerance or tolerance exemption if required. (2)(3)	24	137,841
A390	72	New Active Ingredient; Direct Food use; establish tolerance or tolerance exemption if required. (2)(3)	24	229,733

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"TABLE 7. — ANTIMICROBIALS DIVISION — NEW ACTIVE INGREDIENTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
A410	*73*	*New Active Ingredient Non-food use.(2)(3)*	*21*	*229,733*
A431	*74*	*New Active Ingredient, Non-food use; low-risk. (2)(3)*	*12*	*80,225*

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

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"TABLE 8. — ANTIMICROBIALS DIVISION — NEW USES

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
A440	*75*	*New Use, Indirect Food Use, establish tolerance or tolerance exemption. (2)(3)(4)*	*21*	*31,910*
A441	*76*	*Additional Indirect food uses; establish tolerances or tolerance exemptions if required; 6 or more submitted in one application. (3)(4)(5)*	*21*	*114,870*
A450	*77*	*New use, Direct food use, establish tolerance or tolerance exemption. (2)(3)(4)*	*21*	*95,724*
A451	*78*	*Additional Direct food uses; establish tolerances or tolerance exemptions if required; 6 or more submitted in one application. (3)(4)(5)*	*21*	*182,335*
A500	*79*	*New use, non-food. (4)(5)*	*12*	*31,910*

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"TABLE 8. — ANTIMICROBIALS DIVISION — NEW USES— Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
A501	*80*	*New use, non-food; 6 or more submitted in one application. (4)(5)*	*15*	*76,583*

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) If EPA data rules are amended to newly require clearance under section 408 of the FFDCA for an ingredient of an antimicrobial product where such ingredient was not previously subject to such a clearance, then review of the data for such clearance of such product is not subject to a registration service fee for the tolerance action for two years from the effective date of the rule.

(4) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

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(5) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screen, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.

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"TABLE 9. — ANTIMICROBIALS DIVISION — NEW PRODUCTS AND AMENDMENTS

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
A530	*81*	*New product, identical or substantially similar in composition and use to a registered product; no data review or only product chemistry data; cite all data citation or selective data citation where applicant owns all required data; or applicant submits specific authorization letter from data owner. Category also includes 100% re-package of registered end-use or manufacturing use product that requires no data submission nor data matrix. (2)(3)*	*4*	*1,278*

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"TABLE 9. — ANTIMICROBIALS DIVISION — NEW PRODUCTS AND AMENDMENTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)*** (1)	***Registration Service Fee ($)***
A531	*82*	*New product; identical or substantially similar in composition and use to a registered product; registered source of active ingredient: selective data citation only for data on product chemistry and/or acute toxicity and/or public health pest efficacy, where applicant does not own all required data and does not have a specific authorization letter from data owner. (2)(3)*	*4*	*1,824*
A532	*83*	*New product; identical or substantially similar in composition and use to a registered product; registered active ingredient; unregistered source of active ingredient; cite-all data citation except for product chemistry; product chemistry data submitted. (2)(3)*	*5*	*5,107*

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"TABLE 9. — ANTIMICROBIALS DIVISION — NEW PRODUCTS AND AMENDMENTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
A540	*84*	*New end use product; FIFRA §2(mm) uses only; up to 25 public health organisms. (2)(3)(5)(6)*	*5*	*5,107*
A541	*85 (new)*	*New end use product; FIFRA §2(mm) uses only; 26-50 public health organisms. (2)(3)(5)(6)*	*7*	*8,500*
A542	*86 (new)*	*New end use product; FIFRA §2(mm) uses only; ≥ 51 public health organisms. (2)(3)(5)*	*10*	*15,000*
A550	*87*	*New end-use product; uses other than FIFRA §2(mm); non-FQPA product. (2)(3)(5)*	*9*	*13,226*
A560	*88*	*New manufacturing use product; registered active ingredient; selective data citation. (2)(3)*	*6*	*12,596*

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"TABLE 9. — ANTIMICROBIALS DIVISION — NEW PRODUCTS AND AMENDMENTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
A565	*89 (new)*	*New manufacturing-use product; registered active ingredient; unregistered source of active ingredient; submission of new generic data package; registered uses only; requires science review. (2)(3)*	*12*	*18,234*
A570	*90*	*Label amendment requiring data review; up to 25 public health organisms. (3)(4)(5)(6)*	*4*	*3,831*
A573	*91 (new)*	*Label amendment requiring data review; 26-50 public health organisms. (2)(3)(5)(7)*	*6*	*6,350*
A574	*92 (new)*	*Label amendment requiring data review; ≥ 51 public health organisms. (2)(3)(5)(7)*	*9*	*11,000*

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"TABLE 9. — ANTIMICROBIALS DIVISION — NEW PRODUCTS AND AMENDMENTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
A572	*93*	*New Product or amendment requiring data review for risk assessment by Science Branch (e.g., changes to REI, or PPE, or use rate). (2)(3)(4)*	*9*	*13,226*

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4)(a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in FIFRA Section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in FIFRA Section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under PR Notices, such as PR Notice 98–10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.

(5) The applicant must identify the substantially similar product if opting to use cite-all or the selective method to support acute toxicity data requirements.

(6) Once a submission for a new product with public health organisms has been submitted and classified in either A540 or A541, additional organisms submitted for the same product before expiration of the first submission's original decision review time period will result in reclassification of both the original and subsequent submission into the appropriate new category based on the sum of the number of organisms in both submissions. A reclassification would result in a new PRIA start date and require additional fees to meet the fee of the new category.

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(7) Once a submission for a label amendment with public health organisms has been submitted and classified in either A570 or A573, additional organisms submitted for the same product before expiration of the first submission's original decision review time period will result in reclassification of both the original and subsequent submission into the appropriate new category based on the sum of the number of organisms in both submissions. A reclassification would result in a new PRIA start date and require additional fees to meet the fee of the new category.

"TABLE 10. — ANTIMICROBIALS DIVISION — EXPERIMENTAL USE PERMITS AND OTHER ACTIONS

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
A520	*94*	*Experimental Use Permit application, non-food use. (2)*	*9*	*6,383*
A521	*95*	*Review of public health efficacy study protocol within AD, per AD Internal Guidance for the Efficacy Protocol Review Process; Code will also include review of public health efficacy study protocol and data review for devices making pesticidal claims; applicant-initiated; Tier 1.*	*4*	*4,726*

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"TABLE 10. — ANTIMICROBIALS DIVISION — EXPERIMENTAL USE PERMITS AND OTHER ACTIONS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
A522	*96*	*Review of public health efficacy study protocol outside AD by members of AD Efficacy Protocol Review Expert Panel; Code will also include review of public health efficacy study protocol and data review for devices making pesticidal claims; applicant-initiated; Tier 2.*	*12*	*12,156*
A537	*97 (new)*	*New Active Ingredient/New Use, Experimental Use Permit application; Direct food use; Establish tolerance or tolerance exemption if required. Credit 45% of fee toward new active ingredient/new use application that follows.*	*18*	*153,156*

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"TABLE 10. — ANTIMICROBIALS DIVISION — EXPERIMENTAL USE PERMITS AND OTHER ACTIONS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
A538	*98 (new)*	*New Active Ingredient/New Use, Experimental Use Permit application; Indirect food use; Establish tolerance or tolerance exemption if required Credit 45% of fee toward new active ingredient/new use application that follows.*	*18*	*95,724*
A539	*99 (new)*	*New Active Ingredient/New Use, Experimental Use Permit application; Nonfood use. Credit 45% of fee toward new active ingredient/new use application that follows.*	*15*	*92,163*
A529	*100*	*Amendment to Experimental Use Permit; requires data review or risk assessment. (2)*	*9*	*11,429*
A523	*101*	*Review of protocol other than a public health efficacy study (i.e., Toxicology or Exposure Protocols).*	*9*	*12,156*

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"TABLE 10. — ANTIMICROBIALS DIVISION — EXPERIMENTAL USE PERMITS AND OTHER ACTIONS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)*** (1)	***Registration Service Fee ($)***
A571	*102*	*Science reassessment: Cancer risk, refined ecological risk, and/or endangered species; applicant-initiated.*	*18*	*95,724*
A533	*103 (new)*	*Exemption from the requirement of an Experimental Use Permit. (2)*	*4*	*2,482*
A534	*104 (new)*	*Rebuttal of agency reviewed protocol, applicant initiated.*	*4*	*4,726*
A535	*105 (new)*	*Conditional Ruling on Pre-application Study Waiver or Data Bridging Argument; applicant-initiated.*	*6*	*2,409*
A536	*106 (new)*	*Conditional Ruling on Pre-application Direct Food, Indirect Food, Nonfood use determination; applicant-initiated.*	*4*	*2,482*

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

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(2) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

"TABLE 11. — BIOPESTICIDES DIVISION — NEW ACTIVE INGREDIENTS

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B580	*107*	*New active ingredient; food use; petition to establish a tolerance. (2)(3)*	*20*	*51,053*
B590	*108*	*New active ingredient; food use; petition to establish a tolerance exemption. (2)(3)*	*18*	*31,910*
B600	*109*	*New active ingredient; non-food use. (2)(3)*	*13*	*19,146*
B610	*110*	*New active ingredient; Experimental Use Permit application; petition to establish a temporary tolerance or temporary tolerance exemption. (3)*	*10*	*12,764*

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"TABLE 11. — BIOPESTICIDES DIVISION — NEW ACTIVE INGREDIENTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B611	*111*	*New active ingredient; Experimental Use Permit application; petition to establish permanent tolerance exemption. (3)*	*12*	*12,764*
B612	*112*	*New active ingredient; no change to a permanent tolerance exemption. (2)(3)*	*10*	*17,550*
B613	*113*	*New active ingredient; petition to convert a temporary tolerance or a temporary tolerance exemption to a permanent tolerance or tolerance exemption. (2)(3)*	*11*	*17,550*
B620	*114*	*New active ingredient; Experimental Use Permit application; non-food use including crop destruct. (3)*	*7*	*6,383*

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

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(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

"TABLE 12. — BIOPESTICIDES DIVISION — NEW USES

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B630	*115*	*First food use; petition to establish a tolerance exemption. (2)(4)*	*13*	*12,764*
B631	*116*	*New food use; petition to amend an established tolerance. (3)(4)*	*12*	*12,764*

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"TABLE 12. — BIOPESTICIDES DIVISION — NEW USES— Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B640	*117*	*First food use; petition to establish a tolerance. (2)(4)*	*19*	*19,146*
B643	*118*	*New Food use; petition to amend an established tolerance exemption. (3)(4)*	*10*	*12,764*
B642	*119*	*First food use; indoor; food/food handling. (2)(4)*	*12*	*31,910*
B644	*120*	*New use, no change to an established tolerance or tolerance exemption. (3)(4)*	*8*	*12,764*
B650	*121*	*New use; non-food. (3)(4)*	*7*	*6,383*
B645	*122 (new)*	*New food use; Experimental Use Permit application; petition to amend or add a tolerance exemption. (4)*	*12*	*12,764*
B646	*123 (new)*	*New use; non-food use including crop destruct; Experimental Use Permit application. (4)*	*7*	*6,383*

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

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(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screen, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.

(4) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

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"TABLE 13. — BIOPESTICIDES DIVISION — NEW PRODUCTS

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B652	*124*	*New product; registered source of active ingredient; requires petition to amend established tolerance or tolerance exemption; requires 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (2)(3)*	*13*	*12,764*

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"TABLE 13. — BIOPESTICIDES DIVISION — NEW PRODUCTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B660	*125*	*New product; registered source of active ingredient(s); identical or substantially similar in composition and use to a registered product. No data review, or only product chemistry data; cite-all data citation, or selective data citation where applicant owns all required data or authorization from data owner is demonstrated. Category includes 100% re-package of registered end-use or manufacturing-use product that requires no data submission or data matrix. For microbial pesticides, the active ingredient(s) must not be re-isolated. (2)(3)*	*4*	*1,278*

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"TABLE 13. — BIOPESTICIDES DIVISION — NEW PRODUCTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B670	*126*	*New product; registered source of active ingredient(s); requires: 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (2)(3)*	*7*	*5,107*

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"TABLE 13. — BIOPESTICIDES DIVISION — NEW PRODUCTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B671	*127*	*New product; unregistered source of active ingredient(s); requires a petition to amend an established tolerance or tolerance exemption; requires: 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (2)(3)*	*17*	*12,764*

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"TABLE 13. — BIOPESTICIDES DIVISION — NEW PRODUCTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B672	*128*	*New product; unregistered source of active ingredient(s); non-food use or food use requires: 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (2)(3)*	*13*	*9,118*

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"TABLE 13. — BIOPESTICIDES DIVISION — NEW PRODUCTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B673	*129*	*New product MUP/EP; unregistered source of active ingredient(s); citation of Technical Grade Active Ingredient (TGAI) data previously reviewed and accepted by the Agency. Requires an Agency determination that the cited data supports the new product. (2)(3)*	*10*	*5,107*
B674	*130*	*New product MUP; Repack of identical registered end-use product as a manufacturing-use product; same registered uses only. (2)(3)*	*4*	*1,278*
B675	*131*	*New Product MUP; registered source of active ingredient; submission of completely new generic data package; registered uses only. (2)(3)*	*10*	*9,118*

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"TABLE 13. — BIOPESTICIDES DIVISION — NEW PRODUCTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B676	*132*	*New product; more than one active ingredient where one active ingredient is an unregistered source; product chemistry data must be submitted; requires: 1) submission of product specific data, and 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (2)(3)*	*13*	*9,118*

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"TABLE 13. — BIOPESTICIDES DIVISION — NEW PRODUCTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B677	*133*	*New end-use non-food animal product with submission of two or more target animal safety studies; includes data and/or waivers of data for only:* ● *product chemistry and/or* ● *acute toxicity and/or* ● *public health pest efficacy and/or* ● *animal safety studies and/or* ● *child resistant packaging. (2)(3)*	*10*	*8,820*

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

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"TABLE 14. — BIOPESTICIDES DIVISION — AMENDMENTS

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B621	*134*	*Amendment; Experimental Use Permit; no change to an established temporary tolerance or tolerance exemption. (3)*	*7*	*5,107*
B622	*135*	*Amendment; Experimental Use Permit; petition to amend an established or temporary tolerance or tolerance exemption. (3)*	*11*	*12,764*
B641	*136*	*Amendment of an established tolerance or tolerance exemption.*	*13*	*12,764*
B680	*137*	*Amendment; registered sources of active ingredient(s); no new use(s); no changes to an established tolerance or tolerance exemption. Requires data submission. (2)(3)*	*5*	*5,107*
B681	*138*	*Amendment; unregistered source of active ingredient(s). Requires data submission. (2)(3)*	*7*	*6,079*
B683	*139*	*Label amendment; requires review/update of previous risk assessment(s) without data submission (e.g., labeling changes to REI, PPE, PHI). (2)(3)*	*6*	*5,107*
B684	*140*	*Amending non-food animal product that includes submission of target animal safety data; previously registered. (2)(3)*	*8*	*8,820*
B685	*141 (new)*	*Amendment; add a new biochemical unregistered source of active ingredient or a new microbial production site. Requires submission of analysis of samples data and source/production site-specific manufacturing process description. (3)*	*5*	*5,107*

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) (a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in FIFRA Section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in FIFRA Section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under PR Notices, such as PR Notice 98-10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.

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(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

"TABLE 15. — BIOPESTICIDES DIVISION — SCLP

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B690	*142*	*New active ingredient; food or non-food use. (2)(6)*	*7*	*2,554*
B700	*143*	*Experimental Use Permit application; new active ingredient or new use. (6)*	*7*	*1,278*
B701	*144*	*Extend or amend Experimental Use Permit. (6)*	*4*	*1,278*

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"TABLE 15. — BIOPESTICIDES DIVISION — SCLP— Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B710	*145*	*New product; registered source of active ingredient(s); identical or substantially similar in composition and use to a registered product; no change in an established tolerance or tolerance exemption. No data review, or only product chemistry data; cite-all data citation, or selective data citation where applicant owns all required data or authorization from data owner is demonstrated. Category includes 100% repackage of registered end-use or manufacturing-use product that requires no data submission or data matrix. (3)(6)*	*4*	*1,278*

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"TABLE 15. — BIOPESTICIDES DIVISION — SCLP— Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B720	*146*	*New product; registered source of active ingredient(s); requires: 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (3)(6)*	*5*	*1,278*
B721	*147*	*New product; unregistered source of active ingredient. (3)(6)*	*7*	*2,676*

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"TABLE 15. — BIOPESTICIDES DIVISION — SCLP— Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B722	*148*	*New use and/or amendment; petition to establish a tolerance or tolerance exemption. (4)(5)(6)*	*7*	*2,477*
B730	*149*	*Label amendment requiring data submission. (4)(6)*	*5*	*1,278*

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(4) (a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in FIFRA Section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in FIFRA Section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under PR Notices, such as PR Notice 98-10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.

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(5) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screen, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.

(6) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

"TABLE 16. — BIOPESTICIDES DIVISION — OTHER ACTIONS

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B614	*150*	*Pre-application; Conditional Ruling on rationales for addressing a data requirement in lieu of data; applicant-initiated; applies to one rationale at a time.*	*3*	*2,530*

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"TABLE 16. — BIOPESTICIDES DIVISION — OTHER ACTIONS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B615	*151*	*Rebuttal of agency reviewed protocol, applicant initiated.*	*3*	*2,530*
B682	*152*	*Protocol review; applicant initiated; excludes time for HSRB review.*	*3*	*2,432*

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

"TABLE 17. — BIOPESTICIDES DIVISION — PIP

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B740	*153*	*Experimental Use Permit application; no petition for tolerance/tolerance exemption. Includes:* *1. non-food/feed use(s) for a new (2) or registered (3) PIP (12);* *2. food/feed use(s) for a new or registered PIP with crop destruct (12);* *3. food/feed use(s) for a new or registered PIP in which an established tolerance/tolerance exemption exists for the intended use(s). (4)(12)*	*6*	*95,724*

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"TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B741	*154 (new)*	*Experimental Use Permit application; no petition for tolerance/tolerance exemption. Includes:* *1. non-food/feed use(s) for a new (2) or registered (3) PIP;* *2. food/feed use(s) for a new or registered PIP with crop destruct;* *3. food/feed use(s) for a new or registered PIP in which an established tolerance/tolerance exemption exists for the intended use(s);* *SAP Review. (12)*	*12*	*159,538*
B750	*155*	*Experimental Use Permit application; with a petition to establish a temporary or permanent tolerance/tolerance exemption for the active ingredient. Includes new food/feed use for a registered (3) PIP. (4)(12)*	*9*	*127,630*

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"TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B770	*156*	*Experimental Use Permit application; new (2) PIP; with petition to establish a temporary tolerance/tolerance exemption for the active ingredient; credit 75% of B771 fee toward registration application for a new active ingredient that follows; SAP review. (5)(12)*	*15*	*191,444*
B771	*157*	*Experimental Use Permit application; new (2) PIP; with petition to establish a temporary tolerance/tolerance exemption for the active ingredient; credit 75% of B771 fee toward registration application for a new active ingredient that follows. (12)*	*10*	*127,630*
B772	*158*	*Application to amend or extend an Experimental Use Permit; no petition since the established tolerance/tolerance exemption for the active ingredient is unaffected. (12)*	*3*	*12,764*

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"TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B773	*159*	*Application to amend or extend an Experimental Use Permit; with petition to extend a temporary tolerance/tolerance exemption for the active ingredient. (12)*	*5*	*31,910*
B780	*160*	*Registration application; new (2) PIP; non-food/feed. (12)*	*12*	*159,537*
B790	*161*	*Registration application; new (2) PIP; non-food/feed; SAP review. (5)(12)*	*18*	*223,351*
B800	*162*	*Registration application; new (2) PIP; with petition to establish permanent tolerance/tolerance exemption for the active ingredient based on an existing temporary tolerance/tolerance exemption. (12)*	*13*	*172,300*
B810	*163*	*Registration application; new (2) PIP; with petition to establish permanent tolerance/tolerance exemption for the active ingredient based on an existing temporary tolerance/tolerance exemption. SAP review. (5)(12)*	*19*	*236,114*

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"TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B820	*164*	*Registration application; new (2) PIP; with petition to establish or amend a permanent tolerance/tolerance exemption of an active ingredient. (12)*	*15*	*204,208*
B840	*165*	*Registration application; new (2) PIP; with petition to establish or amend a permanent tolerance/tolerance exemption of an active ingredient. SAP review. (5)(12)*	*21*	*268,022*
B851	*166*	*Registration application; new event of a previously registered PIP active ingredient(s); no petition since permanent tolerance/tolerance exemption is already established for the active ingredient(s). (12)*	*9*	*127,630*
B870	*167*	*Registration application; registered (3) PIP; new product; new use; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). (4) (12)*	*9*	*38,290*

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"TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B880	*168*	*Registration application; registered (3) PIP; new product or new terms of registration; additional data submitted; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). (6) (7) (12)*	*9*	*31,910*
B881	*169*	*Registration application; registered (3) PIP; new product or new terms of registration; additional data submitted; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). SAP review. (5)(6)(7)(12)*	*15*	*95,724*
B882	*170 (new)*	*Registration application; new (2) PIP, seed increase with negotiated acreage cap and time-limited registration; with petition to establish a permanent tolerance/tolerance exemption for the active ingredient based on an existing temporary tolerance/tolerance exemption; SAP Review. (8)(12)*	*15*	*191,444*

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"TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B883	*171*	*Registration application; new (2) PIP, seed increase with negotiated acreage cap and time-limited registration; with petition to establish a permanent tolerance/tolerance exemption for the active ingredient based on an existing temporary tolerance/tolerance exemption. (8) (12)*	*9*	*127,630*
B884	*172*	*Registration application; new (2) PIP, seed increase with negotiated acreage cap and time-limited registration; with petition to establish a permanent tolerance/tolerance exemption for the active ingredient. (8)(12)*	*12*	*159,537*
B885	*173*	*Registration application; registered (3) PIP, seed increase; breeding stack of previously approved PIPs, same crop; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). (9)(12)*	*6*	*31,910*

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"TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B886	*174 (new)*	*Registration application; new (2) PIP, seed increase with negotiated acreage cap and time-limited registration; with petition to establish a permanent tolerance/tolerance exemption for the active ingredient. SAP Review. (8) (12)*	*18*	*223,351*
B890	*175*	*Application to amend a seed increase registration; converts registration to commercial registration; no petition since permanent tolerance/tolerance exemption is already established for the active ingredient(s). (12)*	*9*	*63,816*
B891	*176*	*Application to amend a seed increase registration; converts registration to a commercial registration; no petition since a permanent tolerance/tolerance exemption already established for the active ingredient(s); SAP review. (5)(12)*	*15*	*127,630*

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"TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B900	*177*	*Application to amend a registration, including actions such as extending an expiration date, modifying an IRM plan, or adding an insect to be controlled. (10)(11)(12)*	*6*	*12,764*
B901	*178*	*Application to amend a registration, including actions such as extending an expiration date, modifying an IRM plan, or adding an insect to be controlled. SAP review. (10) (11) (12)*	*12*	*76,578*
B902	*179*	*PIP Protocol review.*	*3*	*6,383*
B903	*180*	*Inert ingredient tolerance exemption; e.g., a marker such as NPT II; reviewed in BPPD.*	*6*	*63,816*
B904	*181*	*Import tolerance or tolerance exemption; processed commodities/food only (inert or active ingredient).*	*9*	*127,630*
B905	*182 (new)*	*SAP Review.*	*6*	*63,816*
B906	*183 (new)*	*Petition to establish a temporary tolerance/tolerance exemption for one or more active ingredients.*	*3*	*31,907*

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"TABLE 17. — BIOPESTICIDES DIVISION — PIP—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
B907	*184 (new)*	*Petition to establish a temporary tolerance/tolerance exemption for one or more active ingredients based on an existing temporary tolerance/tolerance exemption.*	*3*	*12,764*
B908	*185 (new)*	*Petition to establish a temporary tolerance/tolerance exemption for one or more active ingredients or inert ingredients.*	*3*	*44,671*

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) New PIP = a PIP with an active ingredient that has not been registered.

(3) Registered PIP = a PIP with an active ingredient that is currently registered.

(4) Transfer registered PIP through conventional breeding for new food/feed use, such as from field corn to sweet corn.

(5) The scientific data involved in this category are complex. EPA often seeks technical advice from the Scientific Advisory Panel on risks that pesticides pose to wildlife, farm workers, pesticide applicators, non-target species, as well as insect resistance, and novel scientific issues surrounding new technologies. The scientists of the SAP neither make nor recommend policy decisions. They provide advice on the science used to make these decisions. Their advice is invaluable to the EPA as it strives to protect humans and the environment from risks posed by pesticides. Due to the time it takes to schedule and prepare for meetings with the SAP, additional time and costs are needed.

(6) Registered PIPs stacked through conventional breeding.

(7) Deployment of a registered PIP with a different IRM plan (e.g., seed blend).

(8) The negotiated acreage cap will depend upon EPA's determination of the potential environmental exposure, risk(s) to non-target organisms, and the risk of targeted pest developing resistance to the pesticidal substance. The uncertainty of these risks may reduce the allowable acreage, based upon the quantity and type of non-target organism data submitted and the lack of insect resistance management data, which is usually not required for seed-increase registrations. Registrants are encouraged to consult with EPA prior to submission of a registration application in this category.

(9) Application can be submitted prior to or concurrently with an application for commercial registration.

(10) For example, IRM plan modifications that are applicant-initiated.

(11) EPA-initiated amendments shall not be charged fees.

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(12) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

"TABLE 18. — INERT INGREDIENTS

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
I001	*186*	*Approval of new food use inert ingredient. (2)(3)*	*13*	*27,000*
I002	*187*	*Amend currently approved inert ingredient tolerance or exemption from tolerance; new data. (2)*	*11*	*7,500*
I003	*188*	*Amend currently approved inert ingredient tolerance or exemption from tolerance; no new data. (2)*	*9*	*3,308*
I004	*189*	*Approval of new non-food use inert ingredient. (2)*	*6*	*11,025*
I005	*190*	*Amend currently approved non-food use inert ingredient with new use pattern; new data. (2)*	*6*	*5,513*

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"TABLE 18. — INERT INGREDIENTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)*** (1)	***Registration Service Fee ($)***
I006	*191*	*Amend currently approved non-food use inert ingredient with new use pattern; no new data. (2)*	*3*	*3,308*
I007	*192*	*Approval of substantially similar non-food use inert ingredients when original inert is compositionally similar with similar use pattern. (2)*	*4*	*1,654*
I008	*193*	*Approval of new or amended polymer inert ingredient, food use. (2)*	*5*	*3,749*
I009	*194*	*Approval of new or amended polymer inert ingredient, non-food use. (2)*	*4*	*3,087*
I010	*195*	*Petition to amend a single tolerance exemption descriptor, or single non-food use descriptor, to add ≤ 10 CASRNs; no new data. (2)*	*6*	*1,654*
I011	*196 (new)*	*Approval of new food use safener with tolerance or exemption from tolerance. (2)(8)*	*24*	*597,683*
I012	*197 (new)*	*Approval of new non-food use safener. (2)(8)*	*21*	*415,241*

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"TABLE 18. — INERT INGREDIENTS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
I013	*198 (new)*	*Approval of additional food use for previously approved safener with tolerance or exemption from tolerance. (2)*	*15*	*62,975*
I014	*199 (new)*	*Approval of additional non-food use for previously approved safener. (2)*	*15*	*25,168*
I015	*200 (new)*	*Approval of new generic data for previously approved food use safener. (2)*	*24*	*269,728*
I016	*201 (new)*	*Approval of amendment(s) to tolerance and label for previously approved safener. (2)*	*13*	*55,776*

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) If another covered application is submitted that depends upon an application to approve an inert ingredient, each application will be subject to its respective registration service fee. The decision review time line for both submissions will be the longest of the associated applications. If the application covers multiple ingredients grouped by EPA into one chemical class, a single registration service fee will be assessed for approval of those ingredients.

(3) If EPA data rules are amended to newly require clearance under section 408 of the FFDCA for an ingredient of an antimicrobial product where such ingredient was not previously subject to such a clearance, then review of the data for such clearance of such product is not subject to a registration service fee for the tolerance action for two years from the effective date of the rule.

(4) Any other covered application that is associated with and dependent on the HSRB review will be subject to its separate registration service fee. The decision review times for the associated actions run concurrently, but will end at the date of the latest review time.

(5) Any other covered application that is associated with and dependent on the SAP review will be subject to its separate registration service fee. The decision review time for the associated action will be extended by the decision review time for the SAP review.

(6) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

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(7) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(8) If a new safener is submitted in the same package as a new active ingredient, and that new active ingredient is determined to be reduced risk, then the safener would get the same reduced timeframe as the new active ingredient.

"TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
M001	*202*	*Study protocol requiring Human Studies Review Board review as defined in 40 CFR Part 26 in support of an active ingredient. (4)*	*9*	*7,938*
M002	*203*	*Completed study requiring Human Studies Review Board review as defined in 40 CFR Part 26 in support of an active ingredient. (4)*	*9*	*7,938*

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"TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
M003	*204*	*External technical peer review of new active ingredient, product, or amendment (e.g., consultation with FIFRA Scientific Advisory Panel) for an action with a decision timeframe of less than 12 months. Applicant initiated request based on a requirement of the Administrator, as defined by FIFRA § 25(d), in support of a novel active ingredient, or unique use pattern or application technology. Excludes PIP active ingredients. (5)*	*12*	*63,945*

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"TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)*** (1)	***Registration Service Fee ($)***
M004	*205*	*External technical peer review of new active ingredient, product, or amendment (e.g., consultation with FIFRA Scientific Advisory Panel) for an action with a decision timeframe of greater than 12 months. Applicant initiated request based on a requirement of the Administrator, as defined by FIFRA § 25(d), in support of a novel active ingredient, or unique use pattern or application technology. Excludes PIP active ingredients. (5)*	*18*	*63,945*

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"TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
M005	*206*	*New Product: Combination, Contains a combination of active ingredients from a registered and/or unregistered source; conventional, antimicrobial and/or biopesticide. Requires coordination with other regulatory divisions to conduct review of data, label and/or verify the validity of existing data as cited. Only existing uses for each active ingredient in the combination product. (6)(7)*	*9*	*22,050*
M006	*207*	*Request for up to 5 letters of certification (Gold Seal) for one actively registered product (excludes distributor products). (8)*	*1*	*277*
M007	*208*	*Request to extend Exclusive Use of data as provided by FIFRA Section 3(c)(1)(F)(ii).*	*12*	*5,513*

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"TABLE 19. — EXTERNAL REVIEW AND MISCELLANEOUS ACTIONS—Continued

EPA No.	***New CR No.***	***Action***	***Decision Review Time (Months)***(1)	***Registration Service Fee ($)***
M008	*209*	*Request to grant Exclusive Use of data as provided by FIFRA Section 3(c)(1)(F)(vi) for a minor use, when a FIFRA Section 2(ll)(2) determination is required.*	*15*	*1,654*
M009	*210 (new)*	*Non-FIFRA Regulated Determination: Applicant initiated, per product.*	*4*	*2,363*
M010	*211 (new)*	*Conditional ruling on pre-application, product substantial similarity.*	*4*	*2,363*
M011	*212 (new)*	*Label amendment to add the DfE logo; requires data review; no other label changes. (9)*	*4*	*3,648*

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) If another covered application is submitted that depends upon an application to approve an inert ingredient, each application will be subject to its respective registration service fee. The decision review time line for both submissions will be the longest of the associated applications. If the application covers multiple ingredients grouped by EPA into one chemical class, a single registration service fee will be assessed for approval of those ingredients.

(3) If EPA data rules are amended to newly require clearance under section 408 of the FFDCA for an ingredient of an antimicrobial product where such ingredient was not previously subject to such a clearance, then review of the data for such clearance of such product is not subject to a registration service fee for the tolerance action for two years from the effective date of the rule.

(4) Any other covered application that is associated with and dependent on the HSRB review will be subject to its separate registration service fee. The decision review times for the associated actions run concurrently, but will end at the date of the latest review time.

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(5) Any other covered application that is associated with and dependent on the SAP review will be subject to its separate registration service fee. The decision review time for the associated action will be extended by the decision review time for the SAP review.

(6) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(7) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(8) Due to low fee and short time frame this category is not eligible for small business waivers. Gold seal applies to one registered product.

(9) This category includes amendments the sole purpose of which is to add DfE (or equivalent terms that do not use "safe" or derivatives of "safe") logos to a label. DfE is a voluntary program. A label bearing a DfE logo is not considered an Agency endorsement because the ingredients in the qualifying product must meet objective, scientific criteria established and widely publicized by EPA.".

1 ***SEC. 7. EFFECTIVE DATE.***

2 *The amendments made by this Act take effect on Octo-*

3 *ber 1, 2017.*

ED_002480_00069723-00186

Calendar No. 163

115TH CONGRESS
1ST SESSION

H. R. 1029

AN ACT

To amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve pesticide registration and other activities under the Act, to extend and modify fee authorities, and for other purposes.

JUNE 29, 2017

Reported with amendments

ED_002480_00069723-00188

Section by Section H.R. 1029 Reported, with amendments

Sec. 1 provides the short title of the Act.

Sec. 2 amends the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) reregistration authority.

Subsection (a) authorizes the collection of maintenance fees in the average amount of $31 million for FY2018 through FY2020, increases the maximum annual fee payable by a registrant for FY2018 through FY2020, including registrants that are small businesses, and terminates the authority to collect maintenance fees on Sept. 30, 2020.

Subsection (b) extends a prohibition regarding the collection of other fees under FIFRA, with the exception of pesticide registration service fees, through FY2022 and adds technical language to reflect the pesticide registration service fee tables now included in the statute.

Subsection (c) extends the prohibition on the collection of tolerance fees under an authority in the Federal Food, Drug, and Cosmetic Act through FY2020.

Sec. 3 amends the FIFRA reregistration authority.

Subsection (a) amends the authorized uses of the Reregistration and Expedited Processing Fund to include costs associated with any registration review under the Endangered Species Act of 1973; to offset costs associated with tracking and implementing registration review decisions, including decisions to reduce risk and towards the new set-asides for guidance related to data for products claiming efficacy against invertebrate pests of public health significance and good laboratory practices. Strikes limitation on expending fees during a fiscal year above the amount appropriated from the fund and towards the purposes of the subparagraph.

Subsection (b) extends the set-aside for the review or inert ingredients and the expedited processing of similar applications for FY2018 through FY2020.

Subsection (c) strikes the set-aside for information technology systems and replaces it with a set-aside for products used on particular invertebrate pests, including guidance on efficacy and regulations on product performance requirements.

Subsection (d) authorizes a set-aside for the good laboratory practices standards compliance monitoring program.

Sec. 4 amends the authority for Experimental Use Permits by requiring that an application for a permit covered by a pesticide registration service fee conform with those requirements and requires the Administrator to complete the permit's review by the last day of the applicable timeframe in the tables published in Sec. 6 of this Act.

Sec. 5 amends the FIFRA registration service fees.

Subsection (a) amends the authorization of registration service fees to include actions covered by the tables included in Sec. 6 of this Act; conforms references to "covered applications" under both FIFRA and the tables published in Sec. 6 of this Act; and prohibits a waiver or fee reduction in connection with a "Gold Seal" letter.

Subsection (b) extends through FY2020 the authority to make certain expenditures regarding worker protection, including an emphasis on field-worker populations, from the Pesticide Registration Fund.

Subsection (c) amends the authority to identify and evaluate reforms to the registration process under FIFRA to include streamlining the review process for applications with a new active ingredient or a new use, and providing prompt feedback to applicants.

Subsection (d) amends the requirements regarding decision review periods to include actions covered by the tables published in Sec. 6 of this Act and conforms references to "covered applications".

Subsection (e) extends the reporting requirement regarding pesticide registration service fees through March 1, 2020 and amends the report to include the number of registration review decisions completed as well as particular data on the number of pesticide cases reviewed. Requires new reporting regarding the set-asides and requirements for both guidance related to data for products claiming efficacy against invertebrate pests of public health significance and good laboratory practices as well as the Design for the Environment program at EPA and funds reserved towards worker protection in the Pesticide Registration Fund.

Subsection (f) terminates the authority for registration service fees on Sept. 30, 2020, adjusts the timeframes for phase out of fees, and cuts off the application of decision review periods on Sept. 30, 2020.

Sec. 6 amends pesticide registration service fees by publishing in statute the revised tables regarding covered pesticide registration applications and other covered actions along with their decision review times and registration service fees.

Sec. 7 provides an effective date.

Amendment No. __ to H.R. 1029 RS

The amendment changes the short title, authorizes maintenance fees for FY2019 through FY2023, extends a prohibition regarding the collection of other fees under FIFRA, with the exception of pesticide registration service fees through 2025, amends the timeframe for fee adjustments on the tables published in Sec. 6 of this Act, and adjusts the timeframes for phase out of fees. The amendment also makes H.R. 1029 effective upon enactment.

Sec. 7 extends H.R. 1029 through FY2023.

Sec. 8 directs the Administrator of the Environmental Protection Agency to carry out two final rules through October 1, 2021. However, the Administrator is directed to promulgate revisions regarding application exclusion zones through notice and comment rulemaking. The Comptroller General is directed to conduct a study and make publically available a report regarding availability of pesticide application and hazard information and worker health and safety and misuse of identified pesticide application and hazard information.

AMENDMENT NO._____ Calendar No._____

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

H. R. 1029

To amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve pesticide registration and other activities under the Act, to extend and modify fee authorities, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by _____

Viz:

1 On page 1, line 6, strike "2017" and insert "2018".

2 On page 2, line 12, strike "2018 through 2020" and
3 insert "2019 through 2023".

4 On page 2, line 17, strike "2018 through 2020" and
5 insert "2019 through 2023".

6 On page 2, line 21, strike "2018 through 2020" and
7 insert "2019 through 2023".

On page 3, line 5, strike "2018 through 2020" and insert "2019 through 2023".

On page 3, lines 9 and 10, strike "2018 through 2020" and insert "2019 through 2023".

On page 3, line 23, strike "2017" and insert "2018".

On page 3, line 24, strike "2022" and insert "2025".

On page 7, line 21, strike "2017" and insert "2018".

On page 12, strike lines 23 and 24 and insert the following:

(A) in subparagraph (A)—

(i) by striking "pesticide registration"; and

(ii) by striking "October 1, 2013, and ending on September 30, 2015" and inserting "October 1, 2019, and ending on September 30, 2021";

(B) in subparagraph (B)—

(i) by striking "pesticide registration"; and

(ii) by striking "2015" each place it appears and inserting "2021"; and

On page 13, line 1, strike "(B)" and insert "(C)".

On page 21, line 11, strike "2021" and insert "2024".

On page 21, line 12, strike "2021" and insert "2024".

On page 21, line 19, strike "2022" and insert "2025".

On page 21, line 20, strike "2022" and insert "2025".

On page 22, line 2, strike "2022" and insert "2025".

On page 22, line 3, strike "2022" and insert "2025".

On page 186, strike lines 1 through 3 and insert the following:

SEC. 7. EXTENSION.

Notwithstanding any other provision of this Act or amendment made by this Act, any reference in this Act

or an amendment made by this Act to "2020" shall be deemed to be a reference to "2023".

SEC. 8. AGRICULTURAL WORKER PROTECTION STANDARD; CERTIFICATION OF PESTICIDE APPLICATORS.

(a) IN GENERAL.—Except as provided in subsection (b), during the period beginning on the date of enactment of this Act and ending not earlier than October 1, 2021, the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator")—

(1) shall carry out—

(A) the final rule of the Administrator entitled "Pesticides; Agricultural Worker Protection Standard Revisions" (80 Fed. Reg. 67496 (November 2, 2015)); and

(B) the final rule of the Administrator entitled "Pesticides; Certification of Pesticide Applicators" (82 Fed. Reg. 952 (January 4, 2017)); and

(2) shall not revise or develop revisions to the rules described in subparagraphs (A) and (B) of paragraph (1).

(b) EXCEPTIONS.—Prior to October 1, 2021, the Administrator may propose, and after a notice and public comment period of not less than 90 days, promulgate revi-

sions to the final rule described in subsection (a)(1)(A) addressing application exclusion zones under part 170 of title 40, Code of Federal Regulations, consistent with the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

(c) GAO REPORT.—The Comptroller General of the United States shall—

(1) conduct a study on the use of the designated representative, including the effect of that use on the availability of pesticide application and hazard information and worker health and safety; and

(2) not later than October 1, 2021, make publically available a report describing the study under paragraph (1), including any recommendations to prevent the misuse of pesticide application and hazard information, if that misuse is identified.

Message

From: Revels, Stacy [Stacy.Revels@mail.house.gov]
Sent: 6/15/2018 11:18:46 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Ringel, Aaron [ringel.aaron@epa.gov]
Subject: Re: WPS/C&T Desk Statement

Thank you, Ryan.

On Jun 15, 2018, at 6:31 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Here's a little more formal explanation. But as I mentioned, if Congress strikes a deal let's do it.

WPS and C&T desk statement is below:

- On June 15, 2018, EPA sent proposed revisions to the Agricultural Worker Protection Standard (WPS) and Certification of Pesticide Applicators Rule to OMB and USDA for review. Following OMB review, EPA will send the proposed revisions to the appropriate congressional committees for review. These reviews are part of the normal FIFRA rulemaking process.

- By the end of FY 2018, EPA expects to publish a Notice of Proposed Rulemaking to solicit public input on proposed revisions to the WPS requirements for minimum ages, designated representatives, and application exclusion zones. EPA also expects to publish a Notice of Proposed Rulemaking to solicit public input on proposed revisions to the minimum age requirements for the Certification of Pesticide Applicators Rule by the end of FY 2018.

Background:

In December 2017 EPA initiated processes to 1. consider revisions to certain requirements in the WPS and 2. revise the minimum age requirements in the Certification of Pesticide Applicators Rule.

- Read the Federal Register notice stating EPA is initiating a process to reconsider certain requirements in the WPS.
- Read the Federal Register notice stating EPA is initiating a process to revise the minimum age requirements in the Certification of Pesticide Applicators Rule.

Message

From: lynndekleva Ex. (b)(6)
Sent: 6/14/2018 11:56:42 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Resume
Attachments: Dekleva Resume.docx

Ryan,
I enjoyed our discussion this evening and I am looking forward to our call tomorrow at 1 EST. I have attached a copy of my resume for your consideration.
Regards,
Lynn

Lynn Ann Dekleva, Ph.D.

Ex. (b)(6)

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Experienced Program Manager with demonstrated ability to lead business, technical and compliance programs. Results oriented leader that works effectively with multidisciplinary teams to drive successful outcomes in New Product Commercialization, Top Line Growth and Regulatory Compliance. Established ability to define and implement processes and procedures to increase productivity and reduce organization energy.

Project Management	Data Analysis	Technical Professional
TSCA Compliance	Six Sigma Black Belt	Leadership
Regulatory Evaluation	Strategic Assessment	Process Optimization

Professional Experience

LCSA Program Manager DuPont June 2016-Present

Developed and implemented the Corporate Lautenberg Chemical Safety Act (LCSA) Program to evaluate the new statutory requirements, develop compliance processes and procedures, identify key risk areas, and establish mitigation plans for the corporation. Responsible for leading the Pre-Manufacturing Notices, management of TSCA professionals, and engagements with the agency to negotiate regulatory actions, and pre-commercialization testing requirements. Standardized Section 5 exemption evaluation and documentation, refined Corporate reporting procedures for CDR and Inventory Reset, developed and delivered TSCA training to leveraged and business employees, and drove improvements to increase productivity in the organization. Acting Corporate representative for industry associations and consortiums, EPA engagements and negotiations, and technical resource for government affairs division.

CDR Program Manager DuPont November 2014 to October 2016

Led Corporate Chemical Data Reporting (CDR) program that compiled volume and process and use information for submission to the EPA. Identified and implemented process and productivity improvements to the Corporate program for data collection and validation, review of manufacturing processes to identify chemical intermediates, and upgrades to the reporting tool and ensure 100% compliance with reporting requirements.

Consent Order Program Manager DuPont October 2010 to November 2014

Accountable for developing and implementing programs to ensure compliance with an EPA consent order. Integrated compliance procedures into existing Process Safety Management and Business processes; trained site, business and technical personnel; leveraged key learning's and opportunities across the Corporation; and established alternative supply chain for key raw material to ensure uninterrupted supply for global manufacturing locations.

Biodegradation Supplemental Environmental Program (SEP) Manager DuPont January 2012 to March 2014

Implemented and managed a $5MM Biodegradation SEP as described in the EPA Consent Agreement and Final Order TSCA-HQ-2004-0016. Accountable for the SEP program budget, activities of the external Characterization and Biodegradation Laboratories, and quarterly reporting to the agency and corporate leadership. Negotiated a joint motion to amend the SEP with the EPA advisory board to successfully fulfill the requirements of the Consent Agreement.

Six Sigma Black Belt DuPont 2007 to 2010

Responsible for Top Line Growth Programs which identified and implemented processes to improve cash flow and evaluate new business opportunities producing a combined benefit in excess of $6 MM. Programs reduced past due invoices, increased revenue in targeted price adjustments, eliminated an underperforming businesses, upgraded a financial model using transactional data to calculate reliable variable margins, established baseline technical information required for plant design for a commercial proposal (FEL1), and outlined critical design requirements, market segment information, key market drivers, competitors, and revenue projections for a new commercial application.

Development Engineer DuPont 2005 to 2007

Led technical program that developed a novel technology and new product offering resulting in an externally funded engineering study and treatment proposal. Responsibilities included interactions with the regulatory agencies (EPA, CDC, DNREC and NJDEP) and Engineering contractors for the US Army, technical and market evaluations of growth opportunities, and development of business propositions for in-house and co-development of point source treatment and enhanced biocatalyst offerings.

Engineer DuPont 1986 to 2005

Positions included a variety of technical assignments in Engineering and Central Research &Development supporting Biomedical, Bioengineering and Environmental programs. Focus areas included development and technical support for: biodegradable polymers, clinical instruments, artificial ligaments, cellular therapies, Persistence & Bioaccumulation screening tool, biodegradability assessments and bioprocessing programs.

Education

Drexel University Ph.D. Environmental Engineering 2007

Drexel University M.S. Environmental Microbiology 1992

Wilkes University B.S. Medical Technology 1984

Wilkes University B.S. Biology 1981

Publications, Patents and Presentations

Section 5 Implementation; Panel Discussion: Inventory Reset
American Chemistry Council Global Chem Conference 2018

Inventory Reset: One Year Later
American Chemistry Council Global Chem Conference 2017

1-hydroxyanthraquinone: Activity in *Paracoccus Denitrificans* and Potential Application for Biomass Reduction in Wastewater Treatment Facilities
Drexel Dissertation June 2007

Treatment to Remove High-Strength Contaminants in Wastewater Generated in the Destruction of VX Nerve Agent: Development of Technology and Demonstration of Environmental Quality
2006 WEFTEC

DuPont's P&B Screening Tool for Prioritization of Chemicals for Risk Assessment
November 2000 SETAC

Multiple stage affinity process for isolation of specific cells from a cell mixture
Issued Apr 9, 1996 Patent 5506130

Message

From: Rick Dearborn Ex. (b)(6)
Sent: 5/30/2018 11:09:03 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Rick Dearborn [rick@cypressgroupdc.com]
Subject: Re:

Freakin patriot

Sent from my iPhone

On May 30, 2018, at 9:32 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

> Also, Jim Proctor is on our water advisory boards now. He needed to wait until this spring. Just wanted you to know. I have a surprisingly long memory.
>
> Ryan Jackson
> Chief of Staff
> U.S. Environmental Protection Agency
> Ex. (b)(6)

Message

From: Davenport, Coral [coral.davenport@nytimes.com]
Sent: 6/14/2018 3:39:46 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Checking back in

Hi, Ryan,
Wanted to run a few more things by you. Would you have time to chat?
Best,
Coral

--
Coral Davenport
Energy and Environment Correspondent
The New York Times
Washington Bureau
1627 I St. NW, Suite 700
Washington, DC 20006
coral.davenport@nytimes.com
Ex. (b)(6)
Twitter @CoralMDavenport

Message

From: Rick Dearborn Ex. (b)(6)
Sent: 5/30/2018 11:08:38 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: Director, Office of Regulatory Policy and Management

You're a rock star

Sent from my iPhone

On May 30, 2018, at 9:31 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Absolutely. Brittany Bolen will call you in the near future. Thanks for sending us your application.

From: Ex. (b)(6)
Sent: Wednesday, May 30, 2018 12:36 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Rick Dearborn Ex. (b)(6)
Subject: RE: Director, Office of Regulatory Policy and Management

Ryan

I would be grateful if you would ask the appropriate personnel on your staff to contact me to arrange a call/meeting regarding my interest in the above referenced job.

Thank you.

<image001.jpg>

Ex. (b)(6)

Ex. (b)(6)

-------- Original Message --------
Subject: Director, Office of Regulatory Policy and Management
From: Ex. (b)(6)
Date: Thu, May 24, 2018 11:52 am
To: jackson.ryan@epa.gov
Cc: "Rick Dearborn" Ex. (b)(6)

Ryan Jackson

Rick Dearborn was kind enough to forward your contact information regarding my interest in the career job: **Director, Office of Regulatory Policy and Management** with Announcement Number: **RTP-SES-2018-008.**

I would be pleased to visit with you and or the appropriate personnel within the EPA in Washington to personally discuss this position -- whenever it may be necessary.

I am ready to serve, start immediately -- and look forward to your follow up.

Regards

<image001.jpg>

Ex. (b)(6)

Message

From: Training- Agile Engineering, SAFe and DevOps [Training@AgileInGovernment.org]
Sent: 6/5/2018 7:06:07 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Register for June 14th - Agile - SAFe and DevOps Training

Register for June 14th Training:

Agile Engineering, SAFe and DevOps
A Roadmap to Adoption Training Workshop IX
- Agile Development in Government Training Series
The Basics and Beyond

June 14, 2018

Potomac Forum Training Workshop

June 14, 2018

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Keynote Government Speaker:

Brent Weaver
Director
Systems Implementation CCSQ
Centers for Medicare and Medicaid Services

Government Speakers:
Melissa Cohen
Director, Center for Enterprise Agility
Centers for Medicare & Medicaid Services

Rob Brown
Branch Chief
Department of Homeland Security-USCIS
OCIO

Bob Maslyn
Senior Manager, SAFe Program Consultant
GSA

Tia Norman
Agile Program Manager
Enterprise Business Management Office - IT Standards
Department of Homeland Security
OCIO

Bill Pratt
Director, IT Standards
Department of Homeland Security
Directorate for Management, OCIO

Simmons Lough
Software Architect
OCFO, USPTO
(awaiting agency approval)

Government - Industry - Academia Invited to Register

Overview:

This Potomac Forum Workshop is designed to provide attendees with specific insight into the logical progression from basic Agile initiatives to the continuous delivery and continuous deployment of working software, based on Agile disciplines and Lean Thinking. You'll hear from other government agencies about how they are moving along this path, and the challenges you

can expect to encounter. The afternoon government panel will also share their insights on lessons learned based on their real-world experiences as they navigate through their Agile transformation, scaling and deployment at their agencies.

The focus of our ninth Agile in Government workshop, Agile Engineering, SAFe and DevOps: A Roadmap to Adoption:

1. Adoption of the Agile Engineering Practices, such as Test-Driven Development, Continuous Integration, and Automated Testing to improve quality

2. Becoming proficient at scaling Agile for larger projects through such techniques as Scaled Agile Framework methods (SAFe)

3. Implementing DevOps to improve downstream delivery of working software to the end-users

What You Will Learn:

o Scrum seems to be working for us. Why should we also look at the more advanced practices?

o How can we assess the potential value of moving forward?

o How much of the Agile engineering practices can a Federal agency use?

o What agencies are using SAFe methods now to scale their large projects

o How do we lay the right foundation in our preparation for DevOps implementation?

o How do we know if we're ready to move to DevOps?

o We've already started down the path of Agile adoption. What are some of the commercial best practices we should consider as we move to SAFe and DevOps?

o What should we know about interacting with Agile partners from industry?

o What kind of training should our staff be looking for as part of this process?

Why You Should Attend:

o The efficiencies gained in the application of Lean Thinking, and Agile disciplines can become of little consequence if the downstream delivery and deployment grinds the progress to a halt.

o There are agencies that are eliminating costly mistakes and downtime by successfully adopting SAFe and DevOps practices. Come and listen to their experiences and lessons learned.

o Agile, SAFe and DevOps practices not only take technical expertise, but require deep cultural change. Hear from experts and daily practitioners about the importance of managing these cultural challenges and how they are successfully driving cultural change based on their real-world experiences.

Who should attend:

o CIOs, CTOs, Federal IT experts

o Contracting and Acquisition professionals who are or will soon be supporting Agile adoption at their agencies

o Project and program managers who want to better understand their role in an Agile environment

o Agencies new to adopting Agile projects

o Agencies that have already started to adopt Agile practices who want to move to the next level of agility

o Development and Operations teams facing ongoing challenges to deployment

Format:

Lecture, guest speakers, and practical exercises.

CEUs Awarded Upon Workshop Completion

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This email was sent to: jackson.ryan@epa.gov

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We respect your right to privacy. View our policy.

Potomac Forum, Ltd.

This email was sent by: **Potomac Forum, Ltd.**
400 North Washington Street , Alexandria , Virginia, 22314 , USA

Message

From: Holland, Luke (Inhofe) [Luke_Holland@inhofe.senate.gov]
Sent: 6/14/2018 10:57:10 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Wheeler, Andrew [wheeler.andrew@epa.gov]; Brown, Byron [brown.byron@epa.gov]
Subject: RE: CCR and another of JMI's work coming to fruition

But it is good to spread it out.

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Thursday, June 14, 2018 6:56 PM
To: Holland, Luke (Inhofe) <Luke_Holland@inhofe.senate.gov>
Cc: Wheeler, Andrew <wheeler.andrew@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: RE: CCR and another of JMI's work coming to fruition

Only goes to OMB. Proposal is later.

NDAA and CCR is enough winning for now.

From: Holland, Luke (Inhofe) [mailto:Luke_Holland@inhofe.senate.gov]
Sent: Thursday, June 14, 2018 6:54 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Wheeler, Andrew <wheeler.andrew@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: RE: CCR and another of JMI's work coming to fruition

Yes, thank you. And maybe WOTUS, too? Or is that tomorrow?

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Thursday, June 14, 2018 6:53 PM
To: Holland, Luke (Inhofe) <Luke_Holland@inhofe.senate.gov>
Cc: Wheeler, Andrew <wheeler.andrew@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: RE: CCR and another of JMI's work coming to fruition

Oh yeah. Well, good you have Byron and me writing your press releases for you to keep it easy.

From: Holland, Luke (Inhofe) [mailto:Luke_Holland@inhofe.senate.gov]
Sent: Thursday, June 14, 2018 6:49 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Wheeler, Andrew <wheeler.andrew@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: RE: CCR and another of JMI's work coming to fruition

This is awesome. Thanks for this. Monday will be a great day. NDAA. CCR.

Luke

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Thursday, June 14, 2018 1:22 PM
To: Holland, Luke (Inhofe) <Luke_Holland@inhofe.senate.gov>
Cc: Wheeler, Andrew <wheeler.andrew@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: CCR and another of JMI's work coming to fruition

Use as much or any of it as you'd like.

This is pretty cool. Byron and I are proud.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency
Ex. (b)(6)

Message

From: Holland, Luke (Inhofe) [Luke_Holland@inhofe.senate.gov]
Sent: 6/14/2018 10:57:00 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Wheeler, Andrew [wheeler.andrew@epa.gov]; Brown, Byron [brown.byron@epa.gov]
Subject: RE: CCR and another of JMI's work coming to fruition

I'm not tired of winning yet.

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Thursday, June 14, 2018 6:56 PM
To: Holland, Luke (Inhofe) <Luke_Holland@inhofe.senate.gov>
Cc: Wheeler, Andrew <wheeler.andrew@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: RE: CCR and another of JMI's work coming to fruition

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Cc: Wheeler, Andrew <wheeler.andrew@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: RE: CCR and another of JMI's work coming to fruition

This is awesome. Thanks for this. Monday will be a great day. NDAA. CCR.

Luke

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Thursday, June 14, 2018 1:22 PM
To: Holland, Luke (Inhofe) <Luke_Holland@inhofe.senate.gov>
Cc: Wheeler, Andrew <wheeler.andrew@epa.gov>; Brown, Byron <brown.byron@epa.gov>
Subject: CCR and another of JMI's work coming to fruition

Use as much or any of it as you'd like.

This is pretty cool. Byron and I are proud.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency
Ex. (b)(6)

Message

From: Marty Kady [prosummit2018@splash.events]
Sent: 6/8/2018 1:54:26 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: POLITICO Pro Summit: More Speakers Announced
Attachments:invite.ics

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Lynn Good,* Chairman, President and Chief Executive Officer, Duke Energy

Rahul Gupta, M.D., Commissioner and State Health Officer, West Virginia

Dennis M. Kelleher, President and CEO, Better Markets

Kevin McAleenan, Commissioner, U.S. Customs and Border Patrol

Kevin McIntyre, Chairman, Federal Energy Regulatory Commission

Amy Myers Jaffe, David M. Rubenstein Senior Fellow for Energy and the Environment and Director of the Program on Energy Security and Climate Change, Council on Foreign Relations

Bob Murray, Chairman, President and CEO, Murray Energy Corporation

Mary Nichols, Chair, California Air Resources Board

John Rogers, Executive Director, National Republican Congressional Committee

Anne Schuchat, M.D., Principal Deputy Director, Centers for Disease Control and Prevention

Dan Sena, Executive Director, Democratic Congressional Campaign Committee

Seema Verma, Administrator, Centers for Medicare and Medicaid Services

Additional speakers & full agenda to be announced soon.

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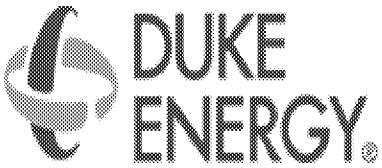

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End: 7/17/2018 9:00:00 PM
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Recurrence: (none)

For more information - https://prosummit2018.splashthat.com

Message

From: Brent Fewell [brent.fewell@earthandwatergroup.com]
Sent: 6/1/2018 12:07:20 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]; Wheeler, Andrew [wheeler.andrew@epa.gov]
Subject: Meeting with Andy Sabin - June 4
Attachments: ATT00001.txt

Ryan, sorry we didn't connect earlier this week. As I mentioned, Any Sabin would like to meet with SP when he's in town on June 4 (he has a window between 2-4 p.m. that day). I appreciate it's short notice, so if SP isn't available, we'd welcome the opportunity to meet with you both. Andy and I will be meeting with 5-6 GOP Senators for dinner that evening to discuss a pro-environment, pro-conservative agenda. Would be great to have your feedback. Hope you can work us into your schedule.

Brent

Brent Fewell, Esq. | Earth & Water Law Group
1455 Pennsylvania Ave., NW, Suite 400, Washington, DC 20004
Ex. (b)(6) www.earthandwatergroup.com

LinkedIn

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Message

From: Davenport, Coral [coral.davenport@nytimes.com]
Sent: 6/14/2018 1:41:11 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: moment to chat?

Hi, Ryan,
I just left you a voicemail. We're working on a story listing the ways in which Administrator Pruitt appears to have enlisted his staff to help support his lifestyle and help his family. I'd like to run these past you to see what you might be able to say about their veracity. Could you give me a call tonight or let me know if you could speak in the morning?
Thanks so much,
Coral

--
Coral Davenport
Energy and Environment Correspondent
The New York Times
Washington Bureau
1627 I St. NW, Suite 700
Washington, DC 20006
coral.davenport@nytimes.com
Ex. (b)(6)
Twitter @CoralMDavenport

Message

From: Emily Holden [eholden@politico.com]
Sent: 6/28/2018 1:49:47 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Context on emails?
Attachments: Himmelstein initial email.pdf; CAFO Initial email.pdf

Hi Ryan,
It looks like this lobbyist, Marc Himmelstein, reached out with a specific ask—to exempt oil producers from this area of Utah from having to meet new air requirements once the area was considered in nonattainment for ozone. After several meetings, and setting up a call with Rep Bishop (which he says he sent talking points for) and getting a letter from the governor's office and suggesting specific redlines to regulations, this happened in April:
https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/proposed-amendments-federal-implementation
For the NPPC, it looks like Formica emailed after a court decision reversed a Bush-era exemption for livestock farmers to report air emissions from animal waste.
After multiple meetings, this proposed exemption came:
https://www.federalregister.gov/documents/2017/12/05/2017-26185/information-collection-request-submitted-to-omb-for-review-and-approval-comment-request-continuous
Can you talk about the process for these two issues?
Thanks,
Emily

Emily Holden
Reporter, energy/climate
POLITICO
eholden@politico.com
Ex. (b)(6)
@emilyhholden

To: Michael Formica[formicam@nppc.org]
From: Jackson, Ryan
Sent: Sun 5/7/2017 9:23:29 PM
Subject: RE: CAFO Air Emissions Court Decision

What can we do to help?

From: Michael Formica [mailto:formicam@nppc.org]
Sent: Tuesday, May 2, 2017 11:03 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: CAFO Air Emissions Court Decision
Importance: High

Ryan

Any time this week to chat about the recent DC Circuit decision on reporting air emissions from CAFOs?

(see the story below, the courts opinion is attached)

Thanks

Michael C. Formica

National Pork Producers Council

Ex. (b)(6)

AGRICULTURE

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Michael Catanzaro[Ex. 6 - Personal Privacy]
From: Marc Himmelstein
Sent: Tue 6/6/2017 6:01:16 PM
Subject: Uinta Basin

We need your help.
The Uinta Basin in Northeast Utah (Rob Bishop's district) is going to be listed as an ozone non-attainment area later this year. It is a prolific oil and gas producing area that encompasses state, tribal and federal lands. The ozone issues are complicated-winter not summer time issues. The area has been studied by Utah State University funded by the state, EPA and industry-no obvious solutions have been identified, though Region 8 puts much of the blame on industry. The Governor has for years challenged the Region to demonstrate a cause and affect. Mike can certainly describe for you his wars with the Region staff.
The state,tribes and industry are trying to find solutions but the Obama Administration exacerbated the the problems when it issued it's Federal Implementation Plan for True Minor Sources on Indian Country last June.In spite of numerous comments urging the inclusion of a traditional streamlined permitting approach for new minor sources in non-attainment areas, they not only refused but added language making such permits more difficult. We are left with a cumbersome site specific permit process which Regional staff has said they are not staffed to do. Additionally, they have interpreted the words in the FIP "cause or contribute" to mean no new permits for sources that have any emissions. This is true even though production is in a decline and no new drilling has occurred-though several companies have proposed to drill new wells this fall, if permits were forthcoming. This virtual zero new permit approach will have devastating impacts on the tribes and the local communities.
We have several ideas which we would like to discuss with you and your staff. We believe that we would have support from the Governor and the tribes as well.
We ask for time to meet with you and your staff to discuss these ideas. I will bring several companies including Newfield and QEP
Appreciate your help
Marc

Sent from my iPad

Message

From: Amy Harder [amy@axios.com]
Sent: 6/6/2018 8:24:52 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: connecting

Hi Ryan, could you give me a call? Ex. (b)(6)

Thank you,

Amy

Message

From: Glotfelty, James [JGlotfelty@QuantaServices.com]
Sent: 5/25/2018 2:58:10 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Glotfelty, James [JGlotfelty@QuantaServices.com]
Subject: RE:
Attachments: Pruitt invite signed.pdf

Attached...have a great weekend.

Jimmy

From: Jackson, Ryan [mailto:jackson.ryan@epa.gov]
Sent: Tuesday, May 22, 2018 5:58 PM
To: Glotfelty, James <JGlotfelty@QuantaServices.com>
Subject: RE:

Shoot me a letter and I'll get it in the process. Thanks for the invitation.

From: Glotfelty, James [mailto:JGlotfelty@QuantaServices.com]
Sent: Tuesday, May 22, 2018 6:12 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Glotfelty, James <JGlotfelty@QuantaServices.com>
Subject:

Hey there Ryan. Hope you are well. I left Clean Line last year and joined Quanta Services. We are a $10 billion construction company that builds pipelines, transmission lines and telecom networks. We also have lots of employees in Oklahoma.

We would like to invite Administrator Pruitt to speak at the annual Utility Perspectives event that Quanta hosts every year for Utilities. This year will be in Toronto on September 30 – October 2, 2018.

What is the process for submitting a formal invitation for the Administrator to speak?

Jimmy

Jimmy Glotfelty
Quanta Services, Inc.
2800 Post Oak Blvd. | Suite 2600 | Houston, TX 77056
jglotfelty@quantaservices.com
Ex. (b)(6)

May 23, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Dear Administrator Pruitt:

I would like to invite you to speak at Quanta's Utility Perspectives (UP) 2018 conference. This event will be held in Toronto, Canada on September 30-October 2. It would be wonderful if you could give us a keynote speech about your priorities at the EPA and how your efforts are improving the permitting process of much needed infrastructure in America. We would also love to hear your thoughts on infrastructure issues spanning the U.S. and Canada.

Quanta Services has approximately $10 billion in annual revenue and is North America's largest construction, O&M and emergency services provider for electric transmission & distribution utilities and oil and gas pipelines companies. Crews from Quanta and its operating subsidiaries have designed and worked for most all of the electric transmission and gas pipeline companies in North America, including many projects in Oklahoma. Our team has built many of North America's largest energy infrastructure projects.

This will be Quanta's 16th UP conference. The UP conferences are invitation-only, executive-level meetings where officers from leading North American power and pipeline companies discuss issues of the day off the record. We are working on this year's agenda now, but it will certainly feature a numerous CEO panels and moderators such as ex-FERC Chair and Quanta board member Pat Wood III.

The UP conference will begin on Sunday 9/30 with an evening reception, feature a dinner on Monday evening, and close at noon on Tuesday, 10/2. There will be lots of good CEO level discussions in between. If you are able to join us as a UP keynote speaker, you and your wife are welcome to attend as many of these events as your schedule allows.

Please let me know if I can answer any questions about this conference. Thank you for considering this opportunity.

Sincerely,

Earl C. Austin, Jr.
Chief Executive Officer

2800 Post Oak Blvd. Ste. 2600 Houston, Texas 77056-6175
Phone: 713.629.7600 Fax: 713.629.7676 www.QuantaServices.com NYSE-PWR

Message

From: Edward Calabrese [edwardc@schoolph.umass.edu]
Sent: 5/28/2018 9:28:48 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: LNT
Attachments: Environ. Pollut. Muller-Mech-1.pdf

Ryan:

See the attached new paper on LNT....it tells the entire historical story in this one integrated paper. It represents an amazing historical unfolding, yet with enormous implications for EPA risk assessment. It shows that the LNT that is used all over the world and led by the US is based on a myth, no, actually a hoax. This story needs to be read and understood by the Agency, by Congress and the media. Please share this paper widely within the Agency and elsewhere.

By the way, I did send in my Comments to the EPA proposal last week, two days before the paper was finally published.

Ed Calabrese

Environmental Pollution 241 (2018) 289–302

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journal homepage: www.elsevier.com/locate/envpol

From Muller to mechanism: How LNT became the default model for cancer risk assessment☆

Edward J. Calabrese

Department of Environmental Health Sciences, Morrill I, N344, University of Massachusetts, Amherst, MA, 01003, USA

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Ionizing radiation
Linear dose response
Threshold dose response
Mutation
Dose rate
Cancer risk assessment

ABSTRACT

This paper summarizes the historical and scientific foundations of the Linear No-Threshold (LNT) cancer risk assessment model. The story of cancer risk assessment is an extraordinary one as it was based on an initial incorrect gene mutation interpretation of Muller, the application of this incorrect assumption in the derivation of the LNT single-hit model, and a series of actions by leading radiation geneticists during the 1946–1956 period, including a National Academy of Sciences (NAS) Biological Effects of Atomic Radiation (BEAR) I Genetics Panel (Anonymous, 1956), to sustain the LNT belief via a series of deliberate obfuscations, deceptions and misrepresentations that provided the basis of modern cancer risk assessment policy and practices. The reaffirming of the LNT model by a subsequent and highly influential NAS Biological Effects of Ionizing Radiation (BEIR) I Committee (NAS/NRC, 1972) using mouse data has now been found to be inappropriate based on the discovery of a significant documented error in the historical control group that led to incorrect estimations of risk in the low dose zone. Correction of this error by the original scientists and the application of the adjusted/corrected data back to the BEIR I (NAS/NRC, 1972) report indicates that the data would have supported a threshold rather than the LNT model. Thus, cancer risk assessment has a poorly appreciated, complex and seriously flawed history that has undermined policies and practices of regulatory agencies in the U.S. and worldwide to the present time.

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1. Introduction

While a role of the environment in affecting the occurrence of cancer has long been known (e.g., the occurrence of testicular cancer in chimney sweeps) (Pott, 1775), transitioning this recognition of concern into an experimental science proved to be difficult as seen in the series of failures to induce skin cancer in animal models during the early years of the 20th century. Finally, after many failed attempts, in 1918 Japanese researchers made the experimental breakthrough by the repeated administration of coal tars to the ears of rabbits to produce papillomas and carcinomas (Yamagiwa and Ichikawa, 1918). This seminal finding paved the way for experimental research to assess possible environmental causes of cancer.

In a similar manner, researchers early in the 20th century began to explore whether it was possible to induce mutations in plants and animals (Campos, 2015). While it took nearly three decades, Muller (1927a) reported that X-rays induced gene mutations in fruit flies, narrowly beating three independent teams of botanists who likewise reported inducing transgenerational phenotypic changes with X-rays/radium.[1] Muller's findings, like that of the Japanese cancer researchers, quickly transformed the field. For his discovery, Muller received the Nobel Prize in 1946. The current paper clarifies the historical foundations of the LNT single-hit dose-response model, its unique dependence upon the gene mutation interpretation of Muller in 1927, and how this interpretation became accepted by the scientific community and regulatory agencies. Most importantly, it will be shown that: (1) Muller's claim that the X-ray-induced transgenerational phenotypic changes were due to gene mutations was an interpretation lacking convincing evidence; (2) the induced transgenerational phenotypic changes

☆ This paper has been recommended for acceptance by B. Nowack.

E-mail address: edwardc@schoolph.umass.edu.

[1] In January 1927, in the *Proceedings of the National Academy of Sciences* (Communicated January 14, 1927), Gager and Blakeslee (1927) were the first to report cases of gene mutations. Thus, Muller's July 1927 publication was the second to report the gene mutation phenomenon. Muller gained acclaim because he produced many mutations quickly. However, Gager and Blakeslee repeatedly reminded the field of their primacy. In his effort to secure scientific honors, Muller (1927a, 1928a) failed to cite the earlier work of Gager and Blakeslee (1927).

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were due to chromosomal deletions and aberrations, not Muller's proposed gene "point mutations"; (3) these developments undermine the historical and scientific foundations of the LNT single-hit model since it was built upon Muller's gene mutation interpretation (see Calabrese, 2017a for a significantly expanded analysis of this issue); (4) Muller and other leading U.S. radiation geneticists would collude in a series of articles to promote acceptance of the LNT, making deliberate deceptions and misrepresentations of the scientific record; (5) the deceptive practices would infiltrate and culminate in the actions of the U.S. NAS BEAR I Genetics Panel that recommended adoption of the LNT model by regulatory and public health agencies in 1956 (Anonymous, 1956) (See Calabrese, 2015a, b, c); (6) the mouse data used to provide the experimental basis for the subsequent reaffirmation of the LNT for cancer risk assessment was similarly problematic, that is, the BEIR I NAS/NRC (1972) Committee used a flawed historical control group that significantly overestimated risk in the low dose zone, yielding a linear dose response (see Calabrese 2017b, c); (7) use of a corrected historical control value yields a threshold rather than the linear dose response and; (8) this new assessment indicates that the LNT has been flawed from the start, yet national and international regulations have continued to be based upon it (Calabrese, 2015a, 2017d).

2. Muller and mutation

Hermann J. Muller, a radiation geneticist at the University of Texas/Austin, truly burst upon the national and international scene following his presentation at the 5th International Genetics Congress in Berlin during September 1927. His highly anticipated presentation convincingly demonstrated to an eager and massive grouping of geneticists from around the world that X-rays could induce transgenerational phenotypic changes in *Drosophila* perhaps providing a mechanism for evolution. Muller claimed that these changes were the result of induced gene mutation, tiny genomic changes, with Muller coining the term "point mutation". Muller not only claimed to be the first to ever artificially induce gene mutation, he produced copious numbers of them. Muller's presentation drew especially great anticipation since his article in the journal *Science*, published about three months earlier, only discussed some of the new findings, inexplicably failing to show any data. Thus, Muller, with a flair for the dramatic, disproved the doubters and set himself on a path that 19 years later would result in another trip to Europe, Stockholm, to receive the Nobel Prize in Biology and Medicine.

Muller's stunning results soon inspired: (1) numerous laboratories to redirect their research to the assessment of ionizing radiation induced mutations (Campos, 2015); (2) the creation of the Genetics Society of America (GSA) (1931) a few years later, bringing zoologists and botanists who were researching genetics under one integrated professional society; (3) the concept of a Proportionality Rule that describes the linear dose response for the ionizing radiation induced mutation response (Muller, 1930a); (4) the interdisciplinary collaboration of leading physicists and radiation geneticists to create the first mechanism-based cancer risk assessment model (LNT single-hit model) using target theory (Timofeeff-Ressovsky et al., 1935) and (5) the discovery of chemically induced mutations by Charlotte Auerbach in the 1940s (Auerbach and Robson, 1946). The reach of Muller was long and influential, inspiring the focus of Carson (1962) in her seminal book *Silent Spring*, that is normally given credit for starting the environmental revolution of the late 1960s and 1970s and continuing to the present. Muller wrote a powerfully supportive review of *Silent Spring* in the New York Herald Tribune published on the Sunday prior to the book's publication four days later (Muller, 1962). Thus, the X-ray induced "gene" mutation findings of Muller and his leadership over the next 40 years would profoundly affect the environmental movement and the fields of genetic toxicology, cancer risk assessment and numerous medical, radiation and public health practices.

There is therefore little question that Muller had a major influence on the scientific community and the general public, originating from the belief that he had actually demonstrated that X-rays produce gene mutations in the fruit fly. While the above summary highlights some of the societal impact of Muller, there are important parallel concerns with Muller's scientific legacy. In brief, Muller (1927a) made the critical assumption that the numerous X-ray induced transgenerational/heritable phenotypic changes that he reported were the result of induced gene mutations. Muller knew that transgenerational/heritable phenotypic changes via X-ray-induced chromosomal aberrations was not a significant finding (Muller, 1928b). This had been reported previously and would not affect an understanding of basic biological themes such as evolution and its potential mechanism. This was why Muller (1927a) entitled his groundbreaking July 22, 1927 article in *Science* "The Artificial Transmutation of the Gene".

3. Point mutations vs gene deletions

Within three months of his presenting these findings at the Genetics Congress[2] in Berlin (September, 1927) (Muller, 1928a), Muller (1927b) would publically express concerns that some might think that all he had done was to shoot large holes (i.e., deletions) throughout the genome with the high doses of X-rays used, noting that such concerns/questions were initiated by his longtime friend, close colleague, collaborator and confidante, Edgar Altenburg, a professor of genetics at Rice University. Within this anticipatory defensive context, at the December 1927 AAAS meeting at Nashville, Tennessee and in an April 1928 presentation to the U.S. National Academy of Sciences (NAS) Muller (1928b) tried to discount the possibility that his reported transgenerational phenotypic changes were due principally to heritable chromosome changes, suggesting as proof observations of reverse mutations (e.g., X-ray-induced reversible changes in eye color – red to white). Patterson and Muller (1930) would subsequently publish a massive 82-page paper supporting his argument. This was proof enough for Muller that X-rays induced small mutations in genes rather than vast and large deletions as suggested by Altenburg. Muller used apparent reverse mutation findings to preempt potential challenges to his gene mutation interpretation. Muller argued further that the assumed point mutations closely mimicked the type of gene mutation changes underlying the mechanism of evolution as might be seen with spontaneous gene mutations, spending much of the next

[2] The proceedings of this Congress contains Muller's paper, which included the data used for the basis of the Nobel Prize in 1946. The Congress proceedings paper of Muller had substantial limitations, being somewhat sloppily written, having three experiments, each with important weaknesses. It also lacked a methods section and provided no references, including no acknowledgement of the report by Gager and Blakeslee (1927) that preceded his *Science* paper (Muller 1927a) for the reporting of ionizing radiation induced gene mutation by six months. The general substandard quality of the manuscript made me wonder whether the Nobel Prize paper of Muller from the Congress proceedings had ever been peer-reviewed. A July 8, 1946 letter from Muller to Altenburg (Muller 1946a) revealed that the manuscript that he read at the Congress was exactly the same as published in the subsequent proceedings. Thus, it is virtually certain that the Nobel Prize research of Muller was not peer-reviewed (Calabrese, 2018). However, Muller had been acculturated into the need for and process of peer-review by Thomas Hunt Morgan, his Ph.D. advisor at Columbia University. Morgan helped to create the *Journal of Experimental Zoology* in 1903, which had a modern peer-review process from the start. In fact, Muller would publish several articles in this journal by 1920 (Harrison, 1945). Thus, Muller was part of a culture of peer-review as a necessity and expectation. Yet, he avoided it for the seminal findings for which he would be honored with the Nobel Prize.

Table 1
Stadler's challenge to Muller. quotes from Stadler (1932, 1954).

Stadler (1932). **Proc 6th Intern Cong Genet 1:274–294**
"To state that an induced variation is a gene mutation is not to explain it but merely to label it."
Page 274-275
"We do not demonstrate that a chemical change has occurred; we simply infer, since no mechanical explanation can be found, that the variation must be due to this invisible mechanism."
Page 275
"We may define mutation as a transmissible change in the gene. But we identify mutation by experimental tests, and these tests are not such as to establish conclusively, in specific instances, that a change within the gene has occurred."
Page 275
"In effect, any Mendelizing variation which cannot be shown to be due to a change involving more than one gene is a mutation."
Page 275
"… the occurrence of reversion is not proof that the original mutation could not have been due even to a deficiency."
Page 292
Stadler (1954). **Science 120(3125):811–819**
"But there was no test to identify mutations due to a change within the gene; it was simply inferred that the mutants that could not be identified as the result of specific mechanical causes were, in fact, due to gene mutation in the ideal sense (11)."
Page 813

40 years in this quest for a mechanism for evolution.

While these findings would temporarily satisfy the questioning and doubtful Altenburg and others, supporting the X-ray-induced point mutation interpretation, this concern would not go away but actually grew principally due to the persistent questioning and new research insights of the plant radiation geneticist Stadler (1932, 1954), Muller's most staunch, yet objective, respected, competitor and critic (Calabrese, 2017e).

4. Stadler challenges gene mutation interpretation

4.1. Cytogenetic advances

At the time of his groundbreaking mutation publication, Muller's (1927a) research suffered from an acknowledged limited cytogenetic evaluative capacity which prevented fine structure chromosome resolution ("… Drosophila cytology is elusive in its finer details" – page 721, Muller, 1928b), and thereby a reduced capacity to detect chromosomal deletions. Markedly improved chromosome cytogenetic resolution capacity was developed by the Cornell plant cytogeneticist, Barbara McClintock, in the prophase stage of meiosis with maize (McClintock, 1929). Two years later she would apply this novel technique to Stadler's X-ray treated corn in the summer of 1931. It revealed that what was once believed to be X-ray induced "gene" mutagens were sizeable chromosomal deletions. While these findings would force Stadler to re-evaluate and challenge his previously published X-ray induced "gene" mutational findings in barley (Stadler, 1928), they would make him raise the question of whether Muller's gene mutation interpretation with fruit flies was also incorrect. While Stadler would cautiously share his new doubts with the research community in several 1931 publications (Stadler, 1931a,b) and in private correspondence with leaders in plant genetics research like Karl Sax (Stadler, 1931c), Stadler (1932) would finally challenge the Muller gene mutation interpretation in a very public manner during his Plenary Address at the Sixth International Genetics Congress at Cornell University in the presence of Muller (Table 1).

From this opening round of public debate, Muller and Stadler would challenge each other over whether Muller had induced true gene mutations in his highly publicized high dose X-ray experiments. This research-generated debate would continue until the death of Stadler in 1954 (Stadler, 1954), involving numerous radiation geneticists trying to resolve this fundamental question (Calabrese, 2017a ; Lefevre, 1950; Voss and Falk, 1973). Copies of Stadler's research grants and interim reports to the U.S. NRC that describe his progressive series of multi-year research plans, research methods and experimental developments reveal a focused, high quality and productive research activity with numerous publications that challenged Muller's gene mutation interpretation (State Historical Society of Missouri, Stadler Papers). An extensive review of Muller's gene mutation hypothesis along with supportive and non-supportive literature findings is provided in the dissertation of Lefevre (1949), Stadler's Ph.D. student. In this instance Stadler would show his flair for excitement and self-confidence by directing his student (with the assistance of *Drosophila* specialists and with some formal assistance of Muller) to challenge Muller's gene mutation interpretation with Muller's own biological model. In this extensive study, Lefevre (1949, 1950) found no support for Muller's gene mutation interpretation based on reverse mutations.

To the outside viewer it suggested two outstanding scientists locked in a scientific dispute, with Muller compelled to protect his reputation, future, and legacy. These longstanding competitive research activities of Stadler and Muller were much like a high-level chess match in which all moves (e.g., research publications, professional society presentations) contributed important information. By the late 1930s and/or early 1940s Stadler and others had methodically shown that Muller lacked the needed proof for his gene mutation assertions (Calabrese 2017a). The subsequent development of improved cytogenetic staining for *Drosophila* chromosomes by Painter (1934) would reveal that the use of the very high X-ray doses and dose rates similar to Muller's key findings, like that of Stadler's research with barley and corn, produced copious chromosome aberrations including a high proportion of deletions, along with few, if any, possible gene (i.e., "point") mutations.

Muller's use of the reverse mutation concept was also found unconvincing as multiple papers showed several mechanisms (e.g., position effect) by which reverse transgenerational phenotypic traits could occur without any change in the gene[3] (Bedford and Dewey, 2002; Lefevre, 1950). Thus, every move that Muller made was seemingly countered by the research of Stadler or spin-off ideas his research had inspired. Furthermore, Stadler's and related publications would yield insights that were incrementally more definite, insightful and over time, more convincing than Muller's, much like forcing Muller into a corner.

[3] See the discussion from Lefevre (1949) dissertation for a detailed assessment of reverse mutation and position effect as related to Muller's gene mutation interpretation.

4.2. McClintock's new X-Ray induced mutation mechanisms

Complementing the Stadler gene mutation criticism were new mechanistic findings of Barbara McClintock's study with her break-fusion-bridge-cycle model of X-ray induced genetic damage (Comfort, 1997, 2001) which then led to strikingly new and transformative transposable element induced mutational insights. Her novel mutable gene concept was particularly attractive to Muller's University of Indiana Colleague and future Nobel Laureate Salvadore Luria (McClintock, 1948; Muller, 1948) as well as Muller's closest colleague and friend, Edgar Altenburg. In the case of Altenburg, he would devote much effort to understand the scientific foundations of McClintock's findings and its role in spontaneous and exogenously induced mutations. The McClintock discovery had very broad biological and biomedical implications. However, it would also take Altenburg back to his 1927 suggestion that Muller had been blasting large holes in *Drosophila* chromosomes by high dose X-ray treatments. Extensive and detailed correspondence between Altenburg and McClintock in the early 1950s reveal the significance that Altenburg placed on her findings and how it stripped much significance from Muller's gene mutation model.

Altenburg would repeatedly encourage Muller to study and assimilate the findings of McClintock (Altenburg, 1952a,b,c, 1953a). Altenburg would provide Muller with a 25-page manuscript on McClintock's transpositional element concept and its relationship to X-ray-induced mutations (Altenburg, 1953a,b). However, Muller (1953) claimed he was too busy to read the manuscript while also being dismissive, claiming that no one could understand the "jumping gene" (i.e., transposable element) concept (Altenburg, 1953a; Muller, 1953), a common technique to distract attention from a perceived competitor while protecting one's legacy. However, Muller was not successful in drawing Altenburg back into his sphere of dominance, but rather, Altenburg (1957) would devote an entire chapter to McClintock's mutable gene (transposable element) concept in the second edition of his Genetics textbook. Altenburg, an excellent writer, made the challenging writings of McClintock readily understandable for geneticists and interested biologists. In this chapter, he claimed that a substantial proportion of high dose X-ray-induced mutations are due to chromosome deletions/rearrangements rather than Muller's "point mutations" and that such genetic damage was likely mediated by transposable elements (Table 2). The profound intellectual transformation of Altenburg to the McClintock model was a significant sign that the era of Muller was waning. During this same period Russell et al. (1958) would publish his highly influential dose rate challenge to Muller. With multiple scientific challenges facing him, Muller would transform his laboratory into one that would try to extend the findings of Russell into *Drosophila* rather than exploring the dramatic and more complex new ideas of McClintock. Within a month of the Russell et al. (1958) publication Muller was exploring dose rate. In the six years of redirected and intense research on this topic Muller's laboratory was plagued with a series of apparent false starts and a generally ambivalent finish. Thus, the final years of Muller's laboratory productivity were weak, perhaps a function of aging and health deterioration (Calabrese, 2017b).

Of further importance, as suggested above, was the discovery by McClintock (1950, 1951, 1953) that transposable chromosomal elements affected the occurrence of both spontaneous and exogenously induced mutations, including mutations induced by ionizing radiation and chemical mutagens such as mustard gas as used by Auerbach with *Drosophila*. Subsequent findings indicate that the early X-ray-induced transgenerational phenotypic findings of Muller (1927a) and Timofeeff-Ressovsky et al. (1935) were likely the result of X-ray activation of McClintock's transposition element process which induced massive chromosomal damage, such as small to massive deletions and other types of chromosomal aberrations (Ratner et al., 2001). These collective developments served to strongly reinforce the fundamental criticisms by Stadler of Muller's gene mutation interpretation, while supporting the McClintock transpositional element mediated mutation model.

5. LNT single-hit model, dose rate and the Manhattan Project

While Muller was in serious dispute with Stadler throughout the 1930s for his gene mutation interpretation, there was nonetheless a worldwide mesmerizing euphoria of Muller's mutation discovery (see Campos, 2015), one element of which resulted in a unique interdisciplinary collaboration between leading physicists and radiation geneticists as led by Delbruck and Timofeeff-Ressovsky, respectively. From the mid-1930s their research provided the LNT model with a hypothetical mechanistic basis via the use of target theory (Timofeeff-Ressovsky et al., 1935). This concept was then transformed into a biostatistical model (i.e., LNT Single-Hit model) which revealed that the shape of the dose response in the low dose zone was largely a function of the assumed number of target hits required to produce a gene mutation (Zimmer, 1941). The fewer the hits needed to produce gene mutations the closer the linear dose response for gene mutation was approached.

Since his X-ray induced gene mutation interpretation had experienced serious scientific challenges and setbacks through the 1930s, Muller needed another approach to redirect the mutation debate to restore support for his gene mutation interpretation and low dose linearity model and their integrative linkage. Muller's idea was an intriguing one that served, at least in part, both purposes, with a new application of a "dose x time = constant" experiment as seen in the Bunsen-Roscoe Law or with Haber's Law. Over the decade of the 1930s using his Proportionality Rule Muller had asserted that X-ray induced mutation damage was progressively cumulative and could not be repaired. As a result of these characteristics the damage should be predicted by the total dose, not by dose rate. If the total dose hypothesis were true, then the dose response for mutation should be linear at low dose, all the way down to a single ionization. Muller would test this idea in a

Table 2
Quote from Altenburg E. (1957). Genetics. Holt, Rhinehart and Winston, New York, NY.

Are all mutations due to chromosomal rearrangements?
… The possibility, therefore, arises that mutations might often be due to invisibly small deletions, rather than to an actual change in a gene–a change that we refer to as a "point" mutation. We cannot be sure, for example, that the yellow body-color mutant in Drosophila has a "yellow" gene in place of a "gray" (the normal allele of yellow). For all we know, the body color of the mutant might be yellow because the normal allele has been deleted. In fact, yellow mutants of independent origin differ somewhat in the intensity of their yellow pigmentation and, in the case of certain "extreme" yellow, it is very likely that the mutation is due to a very small deletion. In general, there is no way of telling from the outward appearance of a mutant what sort of genetic change caused the mutation. Inversions and duplications are also known to have mutant effects–inversion because of a "position" effect, and duplications either for the same reason or because of the genic unbalance they cause.
Now deletions, inversions, and duplications are all the results of chromosome breakage and rearrangement. Therefore, in the present state of our knowledge, all mutations might conceivable be due to such rearrangement and not to any actual alteration in the gene itself."
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dissertation by Ray-Chaudhuri at the University of Edinburgh using X-rays and mature spermatozoa of *Drosophila*. The findings of this dissertation matched up very well with Muller's predictions supporting the total dose/LNT hypothesis. These results provided support at a critical stage to Muller's gene mutation theory. In fact, during Muller's (1946b) Nobel Prize lecture, he cited the research of Ray-Chaudhuri (1939, 1944).

The problem with this newly adopted dose-rate vs total dose strategy to defend the gene mutation interpretation was that the study of Ray-Chaudhuri had a series of important design and execution limitations, requiring corrections, improvements and replication (Calabrese, 2011, 2017a). In fact, there were so many limitations (e.g., limited sample size, quality control issues, changing animal models during the experiment, lacked documentation of essential methods, major statistical errors, failure to collect critical information), it suggested that the normally critical Muller might have lowered his academic standards in order to provide support to his sagging gene mutation interpretation.

The Ray-Chaudhuri dissertation in some ways served as a pilot study for the far more substantial efforts lead by Curt Stern, University of Rochester, during the Manhattan Project starting in 1943. Stern would initially direct an acute study by Warren Spencer, a highly regarded *Drosophila* specialist who was on leave from his faculty position at the College of Wooster (Ohio, USA). While the Spencer part of the study went as planned, a significant problem for Muller, a paid consultant on this project, occurred when the data from the low dose chronic genetic toxicity study, led by Ernst Caspari, revealed a significant dose-rate effect and a threshold for mutagenicity, contradicting the Ray-Chaudhuri (1939, 1944) conclusions. These findings by themselves had the potential to land a severe blow to the LNT single-hit theory. These findings were just preceded by 15 years of research lead by Stadler that successfully weakened the plausibility of Muller's gene mutation interpretation and now along with new mechanistic insights of McClintock on X-ray-induced mutations. This situation became sufficiently threatening to the policy goals of key leaders of the radiation genetics community such as Muller and Stern who strongly advocated the adoption of the LNT single-hit model. What happened next to the field of radiation genetics could not have been predicted.

The above set of events, which collectively placed the LNT single-hit model at risk, set the stage for what is referred to as "LNTgate" (Calabrese, 2015c, 2016, 2017d), a series of obfuscations, deceptions, and misrepresentations of the scientific record all designed to ensure that the LNT single-hit theory would replace the threshold model for cancer risk assessment. This sequence of events has been reported in detail over the past seven years via a series of progressively informed historical discoveries (Calabrese 2011, 2013, 2015a,b,d, 2016, 2017b,c,e).

The LNTgate actions were mediated via the leadership of Curt Stern and Hermann J. Muller during the second half of 1946, continuing for more than a decade. These efforts lead to the actions of the NAS BEAR I Genetics Panel to sustain and integrate these successful manipulations into the scientific record and government regulatory policies. These ideologically directed activities would be guided by the academic "offspring" of Muller and Stern, such as Jim Crow, Bentley Glass, and other esteemed leaders of the radiation genetics community. The process became fully successful when the next generation uncritically accepted as scientific fact, the mistakes, deceptions, and misrepresentations handed down by the icons of the field. This is, in fact, the domain where key features of the fields of regulatory policy and cancer risk assessment are today.

6. Saving the hit model

The LNTgate process had an unexpected spontaneous origin. It began when Ernst Caspari informed Stern, his supervisor, that his dose-rate findings contradicted those of Ray-Chaudhuri (total dose). As noted above, the observation of a threshold response for mutation was not only not expected but, as it turned out, actually "not permitted", resulting in Stern refusing to accept the Caspari findings (Calabrese, 2011). Giving the appearance of objectivity, Stern blamed Caspari's threshold "discovery" on the use of a faulty control group that he insisted was aberrantly high. Stern did not provide any evidence to support this critical judgment. However, Stern was aware of earlier publications with control group responses for this model that supported the Caspari interpretation based on prior correspondence (Stern, 1938), but he either forgot this or refused to share it. Regardless, the Caspari year-long study had reached an impasse with the Stern judgement, a major crisis.

Showing some degree of independence, Caspari would not accept Stern's judgement that his control group displayed aberrantly high values. He dove into the literature and found a series of papers, which explicitly addressed the control group question, with all supporting his position (Calabrese, 2011). When Caspari assembled these findings, Stern withdrew the control group criticism. During this period, Caspari informed M. Demerec, head of the Genetics Department for the Carnegie Institute, of his mutation threshold dose-response findings and the problems it was creating. This prompted the influential Demerec to write Caspari asking "what can be done to save the hit model" (Caspari, 1947). This statement seemed to express what Stern and Caspari might well have been thinking. With the control group issue no longer a viable means to discredit the Caspari findings, the "save the hit model" strategy of Stern became publishing the manuscript, but framing the discussion to prevent the data from being accepted/used, while still showing competence of the research team, thereby securing the LNT/Ray-Chaudhuri framework. This seemed like the best possible outcome for Stern and Caspari.

The strategy adopted was to assert that the Caspari data could not be accepted or used until it could be determined why he obtained a threshold in the chronic study, while Warren Spencer obtained an apparent linear dose response a year earlier in an acute study with the same fruit fly model while working under Stern. This created a false standard, as the two studies had more than 25 methodological differences; there would be no possible practical means to determine why the studies differed (Calabrese, 2011). The only way that this highly nuanced perspective (i.e., the recommendation not to use the Caspari findings until it resolved the differences with the Spencer study) could have been published was if Stern was the journal (i.e., *Genetics*) editor and there was no peer-review, and this was most likely just what happened (Calabrese, 2011)! In fact, even though Stern proposed this unrealistic situation, no one, of course, ever explicitly accepted this challenge over the next 70 years, including himself, Caspari or Muller. It was a tactical move in the broader strategy to "save the hit model". So Caspari and Stern prepared this manuscript with this obfuscation and sent it to Muller for review on November 6, 1946 with Muller answering on November 12, 1946 (Calabrese, 2011). Muller indicated that he was upset that Caspari found a threshold since this could be a serious problem for LNT acceptance and Stern needed to replicate the study (not to explain why the Caspari study differed from the Spencer study as emphasized in the discussion as this was impossible to do). Thus, Muller was fully informed that the strongest study (i.e., chronic exposure to ionizing radiation) to date (i.e., Caspari experiment) showed a threshold for mutation one month prior to the Nobel Prize lecture of December 12, 1946 (Muller, 1946b). The linearity supporting acute exposure experiment of Spencer had a series of methodological limitations (e.g. inadequate temperature control, inexplicably combining different dose-rate groups with the same total dose, inadequate X-ray machine

calibration) that affected the reliability of the low dose study results (Calabrese, 2011). Yet Stern, Muller and others never identified such limitations, even in Muller's detailed review of this research (Muller, 1946c). These criticisms of the Spencer study (Spencer and Stern, 1948), were first reported more than six decades later (Calabrese, 2011).

In his crucial moment of making scientific history, Muller (1946d) deceived the world with his statement that there is no possibility for a threshold response ("no escape from the conclusion that there is no threshold") to ionizing radiation induced mutation and that risks needed to be assessed via the LNT single-hit model (Nobel Prize lecture, Dec 12, Muller, 1946b). Muller made this statement having seen the Caspari study and not offering any technical or other criticism (Muller, 1946e). Thus, a type of collusion began to take shape between Stern, Caspari, and Muller to do as Demerec urged. In a follow up letter to Stern (Muller, 1947) Muller supported publishing of the Caspari paper since there were enough caveats (i.e., obfuscations) and restrictions to make the paper non-threatening to the LNT acceptance.

In 1949 Stern manipulated or colluded with the leadership of *Science* to ensure LNT would be strongly promoted (Uphoff and Stern, 1949). This was similar to how Muller (1927a) was treated two decades earlier showing no data on his Nobel Prize experiments nor seven years later (1956) in the journal's dealings with the fraudulent NAS BEAR I Genetics Panel publication (Anonymous, 1956). Here is how it happened. While the Stern research team hoped that the follow-up replication studies would put an end to the Caspari study-created crisis, it simply created a new one. The first replication experiment (i.e., led by a new master's student Delta Uphoff) was unacceptable to Stern, this time because the control group was aberrantly low. The control group's values were so outside the norm that Stern had to check with Muller who strongly affirmed (in writing) that the Caspari control group values were appropriate while rejecting Uphoff's (see Calabrese, 2015a,b for the letter correspondence documentation). The troubled Stern would go so far as to blame her for having been biased [i.e., "may reflect a personal bias of the experimenter" (Uphoff and Stern, 1947)], with this leading to the low control group values (Calabrese, 2015b). This phrase was stated in the Discussion of the manuscript that was sent to the Atomic Energy Commission (AEC) (and which was immediately classified). This amazing statement should have raised a plethora of questions by the scientific community for Stern and Uphoff but it was hidden from view. For example, how did the alleged bias start? How long did it continue? How might it have affected other experiments, other team members and others, the data analysis and manuscript write up? A follow-up experiment by Uphoff also suffered the same fate with an aberrant control group value. This situation was turning into a professional disaster. So the question was not just what could be done to save the hit model but also the reputations of Stern, Caspari, and Uphoff and other members of the Manhattan Project at the University of Rochester. Stern would again show his creativity (or deviousness). Since essentially no one had read the classified material discounting the results and blaming Uphoff and her alleged biases leading to the uninterpretable findings, Stern used his contacts with the journal *Science* to publish a one page technical note of the experiments of Spencer, Caspari, and Uphoff. In this limited technical note, Stern showed no transparency, neglecting to inform the reader that he had found the low control studies of Uphoff unacceptable less than a year before and now he concluded these findings were fully acceptable. No criticisms of the Spencer study were mentioned despite its obvious significant limitations (Calabrese, 2011). Stern also reintroduced criticism of the Caspari study without evidence. In this mini-meta analysis, Stern restored the LNT model, literally "saving the hit model". In the final paragraph, Uphoff and Stern (1949) promised the *Science* readers to provide a comprehensive paper with methods, materials, missing data and other relevant information. Yet, they never did.

Muller and Stern actually promoted the discredited findings of Uphoff while marginalizing the Caspari paper. More specifically, at the time Stern asked Muller to help resolve the Caspari-Uphoff control group issue, Muller had been studying spontaneous mutations in the fruit fly in his ongoing disputes with Stadler concerning whether he induced gene mutation (Calabrese, 2017a). Thus, Muller was sitting on a treasure trove of control group spontaneous mutation data. As noted earlier, in multiple letters to Stern, Muller unequivocally sided with the Caspari findings while rejecting those of Uphoff (Calabrese, 2015a, b). With this as prologue we now fast forward a few years and find Muller (1950, 1954a) rejecting the Caspari study based on this control group being abnormally high, contradicting the literature, his own data/publications and his multiple letters to Stern, while never providing proof for his statements. The evidence reveals Muller dishonestly strove to discredit the Caspari study, and preserve LNT, while protecting himself from being accused of lying during his Nobel Prize Lecture. The 1950 paper of Muller was just preceded and perhaps inspired by an article by MIT's Robley P. Evans in *Science* (Evans, 1949) criticizing the LNT model, using the threshold findings of Caspari (Caspari and Stern, 1948). After Muller read the Evans article, he wrote to Stern criticizing the paper of Evans, blaming the criticism of LNT on the findings of Caspari (Muller, 1949). Muller urged Stern to contact Evans and discredit the Caspari work. No evidence has yet been found that Stern communicated with Evans on this matter.[4] However, shortly after that letter exchange with Stern, Muller published his false criticisms of Caspari's control group. Furthermore, on August 10, 1949 Altenburg (1949) wrote Muller about the Caspari threshold findings, acknowledged the reliability of the findings yet in search of a mechanistic explanation. Apparently, Muller had thought that Stern and his efforts had fully neutralized the threshold findings of Caspari, but this was not apparently the case.

7. LNT and the NAS BEAR Genetics panel

The next stage of the LNT story would take place with the NAS BEAR I Genetics Panel which first convened in early November, 1955 at Princeton University. As Muller had learned from many earlier frustrations, success within Advisory Committees is highly dependent upon who is selected. In the case of the BEAR I Genetics Panel, the answer was clear from the start, as the Panelist Tracy M. Sonneborn, a Muller colleague at the University of Indiana, read their radiation geneticist mantra into the recorded proceedings with no debate or dispute. All firmly believed that mutational damage was cumulative and irreversible with the dose response being linear down to a single ionization. Multiple notable radiation geneticists at that time were not advocates of the Muller perspective but they were either directed to other NAS BEAR I panels such as was the case of Ralph Singleton (agriculture panel) or not selected as was the case of McClintock. In retrospect, the deck was stacked along with an administrative leadership that would keep the panel focused on the big picture goals of the Rockefeller Foundation (RF) that both funded and directed the Panel while in

[4] The papers of Evans have been preserved at MIT. However, they have yet to be organized for scholarly use and it is unknown when they will be available. Of interest would be whether Stern ever sent Evans the letter Muller suggested. A check of the Stern files at APS revealed no record of a letter of Stern to Evans.

the administrative structure of the NAS.[5]

Despite the endorsement of the LNT single-hit model by leading research geneticists and physicists it was widely recognized that the fundamental data to support the LNT single-hit model was inappropriate. The model was dependent on point mutations, not large deletions, gene rearrangements, and other gross aberrations. In his final and masterful paper, published posthumously in *Science*, Stadler (1954) would illustrate how Muller's mutational data could not provide a credible biological basis for the LNT single-hit model. Despite the prominence of the journal *Science*, the stature of Stadler and the timeliness of the article, this criticism of the LNT single-hit model was never discussed by the NAS BEAR I Genetics Panel. In fact, not once in the transcribed pages of the Panel meetings were Stadler or McClintock's research on gene mutation ever mentioned.

At the second meeting of the Panel (in Chicago), Warren Weaver, Chair of the Genetics Panel and Director of Research for RF, tried to entice members of the Panel with RF funding if the Panel Report would support RF initiatives (e.g., LNT). Weaver indicated he would "try to get a very substantial amount of free support for genetics if at the end of this thing we have a case for it. I am not talking about a few thousand dollars, gentlemen, I am talking about a substantial amount of flexible and free support to geneticists" (Anonymous, 1956 - BEAR I Genetics Panel Transcript, February 5, 1956, page 35).[6] Weaver would further state that "There may be some very practical results – and here is the dangerous remark – don't misunderstand me, we are all just conspirators here together". The Weaver remarks obviously link the Panel deliverables to RF funding for geneticists, including those sitting in the room. Further discussions of the Panel during the February 5/6, 1956 meeting would reveal that to be successful in the eyes of Weaver, the Panel would need to present strong agreement/consensus for the estimation of genetic risks to the U.S. population assuming a linear dose response. However, an unanticipated problem came about 4–5 weeks later (March 1956) when the Panel members displayed multiple profound disagreements: they argued about whether it was possible to even estimate population risks, how to derive the estimations, how any derived estimates of damage related to true (real) risks, and what the risks actually were. With this confusion, the highly divergent results of the independent risk estimates that were carried out over 10 generations were seen as an unusable scientific "mess", such that Panel member, Jim Crow, would claim that no one would believe the policy recommendations of the Panelists since they could not agree amongst themselves. In a March 29, 1956 Letter to Warren Weaver, Crow (1956) stated that:

> "The limits presented on our estimates of genetic damage are so wide that the readers will, I believe, not have any confidence in them at all."

Lacking authority to do so, Crow, who was to organize the technical reports for Panel discussion, decided to arbitrarily drop the three lowest estimates of risk; by so doing he markedly reduced the variation, giving the false impression of more expert Panelist agreement than was the case. Even after dropping the three, there remained considerable uncertainty, being still too large to show to the scientific community and general public. One might have thought that the Panelists whose estimates were dropped would have strongly fought to have them retained. There is some evidence of significant disputes between Demerec and Muller on this matter based on a letter from Muller to Beadle in August 1956 (Muller, 1956) indicating that Muller did not want to be part of writing a scientific justification for their LNT recommendation. He indicated that he was already too frustrated with his debates with Demerec over the value of *Drosophila* versus bacteria in their risk estimations and did not want to air the so-called dirty laundry in public. He had thought that they had agreed to disagree. However, the available record does not reflect the details of this matter, as it likely occurred in the March 1956 meeting once Crow received the detailed write-ups for which there was no meeting transcript. Muller also noted his unresolved debates with the human geneticists of the Panel further confirming his unwillingness to seek a consensus report justifying their scientific recommendations. This lack of blatant open dispute/rebellion suggests that the group consensus was to present a united front that Weaver had earlier pointed out was necessary, perhaps using this funding carrot to achieve agreement. However, panelist James Neel, who refused to provide an estimate, strongly disputed the legitimacy of the proposed genetic damage estimation activity (Neel 1956 a, b). He argued that any consensus agreement was an illusion based on a self-fulfilling decision to reduce variability by forcing the use of similar models with similar process assumptions. Even with Crow stacking the deck, the risk estimates were still too variable, leading Weaver and Crow to encourage/coerce the Panel not to show their range of estimates to the outside world since it would destroy their credibility. The Panel would keep it private. There was no "minority" report nor leaking to the media. The "control" of the group was evident as those such as Demerec and Neel would not publically challenge the group view despite fundamental differences.

8. The NAS BEAR I Committee Genetics panel *science* publication story

The BEAR I Genetics Panel published a major article in *Science* (Anonymous, 1956) on their findings and recommendations. This paper had three significant misrepresentations of the Panel's research record. The first involved the Panel stating that the 12 geneticists of the Panel were invited to provide estimates of genetic risks for the entire U.S. population exposed to a certain dose of ionizing radiation, but only six accepted the challenge and provided the write up. Yet, nine of the 12 actually did, with Crow dropping three estimates as noted earlier.[7] In fact, I had obtained the nine detailed assessments. Second, the *Science* paper indicated that the minimum and maximum estimates of genetic damage range was ±10 or 100 fold. However, the actual average minimum-maximum damage range was about 750 fold. Third, the Genetics Panel *Science* paper neglected to report that three Panelists refused to participate, principally because they believed that such estimates could not be reliably done.

A written record exists that documents that the NAS BEAR I Committee Genetics Panel voted not to share their data with the scientific community and others (Calabrese, 2015a). After the Panel's publication in *Science* it was specifically challenged by

[5] Dr. Detlev Bronk was President of the Rockefeller Institute for Medical Research (later named Rockefeller University) and President of the National Academy of Sciences (NAS) during this time, confusing the roles of the Rockefeller Foundation and the NAS in this BEAR I Genetics Panel process.

[6] The concept of self-interest science (i.e., exaggerating fears of radiation to enhance research funding) of some members of the BEAR I Genetics Panel was documented via uncovered correspondence (Calabrese, 2014).

[7] It is interesting to note that the three estimates that Crow dropped (i.e., Demerec, Wright, and Kauffmann) were the areas with which Muller (1956) acknowledged serious issues in his letter to Beadle. Since Muller and Crow had a very close professional and personal relationship, it is tempting to speculate that Muller may have influenced Crow to drop the three estimates. This perspective is attractive since it is doubtful that Crow, one of the youngest members of the Panel, would have acted so precipitously without significant senior backup support. This would have been especially the case if he were doing Muller's bidding. Further documentation will be need to evaluate this hypothesis.

several leading U.S. academic researchers to share the scientific basis for the report and again the Panel formally voted not to do this as well (Calabrese, 2015a). Of significance is that the Panel had never even written such a scientific basis for their LNT recommendation. This should be seen as failed leadership by the NAS President Detlev Bronk and Chairman Weaver, a sign of scientific arrogance, or a type of defense posture. The Panel vote during August, 1956 not to provide a scientific basis for this major recommendation to adopt the LNT single-hit model for risk assessment was then passed on to NAS president Bronk, who accepted their decision. The NAS administration was therefore fully complicit in this process (Calabrese, 2015a).

The NAS BEAR I Committee Genetics Panel therefore falsified the research record, creating a significant cover up. Providing a detailed write up of their process would have revealed the deliberate misrepresentations of the research record. It would also have revealed a highly embarrassing fundamental lack of competence by such prestigious leading geneticists who simply could not properly address this risk estimation problem, as highlighted by Crow's amateurish and incorrect response (Calabrese, 2015a, b). It would also have taken considerable effort to complete such a report, something that should have been done during the activity of the Panel.

The goal of the NAS BEAR I Genetics Panel was to recommend adoption of the LNT in the U.S. and worldwide. Within about two years the LNT recommendation was adopted by national and international advisory committees, eventually becoming worldwide policy for cancer risk assessment. Thus, the most significant policy recommendation for cancer risk assessment lacked a written scientific basis. Most striking is that the Panel, including Muller, and the president of the NAS made this decision. It is ironic that the U.S. National Committee for Radiation Protection and Management (NCRPM) adopted LNT for cancer risk assessment in December 1958, based on the documentation-lacking NAS BEAR I Genetics Panel report days prior to the publication of Russell et al. (1958) demonstrating the existence of dose rate for ionizing radiation in the mouse model. Apparently, the status of the Genetics Panel and the NAS was so high that no documentation was needed for governments worldwide to adopt their transformative recommendations. As recently noted by Calabrese (2017a), seven of the members of the highly prestigious NAS BEAR I Committee Genetics Panel had no research experience with the effects of ionizing radiation on mutations. In fact, Crow, who had never published on the topic, made the decision on which estimates to retain. It is also ironic that Demerec and Neel, who were amongst the most appropriately experienced, did not contribute to the radiation risk estimates. Thus, the vision that the country was being guided by the most prestigious and experienced grouping of geneticists on the matter of radiation induced genetic damage was yet another myth to enhance acceptance of the LNT.

9. LNT, William Russell and the dose rate challenge

Within 2.5 years of the June, 1956 NAS BEAR I Genetics Panel *Science* publication, another *Science* publication would challenge one of the basic tenets of the BEAR I, Genetics Panel's recommendations. The paper was by William L. Russell of the Oakridge National Laboratory, also a member of the NAS BEAR I Genetics Panel. During June and July of 1958 Russell's group (Calabrese, 2017a, b) made a major discovery, that dose-rate, not total dose, was the key predictor of ionizing radiation induced mutation for mouse spermatogonia and oocytes. The Oak Ridge group kept this breakthrough discovery quiet, not presenting the findings at the International Genetics Congress in Burlington, VT in the middle of August. Russell did share the findings with a New York Times reporter during the Conference who wrote an article (Schmeck, 1958). The breakthrough paper was published on December 19, 1958 and with it was a timed release front page story by a Pulitzer Prize journalist (i.e., Nate Finney) for the Buffalo Evening News who specialized in atomic energy (note that the NY Times was then on strike) (Finney, 1958; Russell et al., 1958).

The Russell research revealed that damage from ionizing radiation was not cumulative, but reversible and had the potential to yield a threshold, suggesting the existence of DNA repair, a possibility that Altenburg shared with Muller soon after publication of the paper (Altenburg, 1958). In effect, Russell had discredited the mantra of the radiation geneticist community, creating a major problem. His strategy would be to promote the acceptance of his research while, at the same time, creating an impression of adhering to the radiation geneticist mantra. Russell did not want to be ostracized and marginalized from his field by his ideological radiation geneticist peers. Russell had seen the dominating and uncompromising personality of Muller in action many times while a member of the Genetics Panel (Crow, 1995) and with James Neel, whose paper Muller tried to prevent from being presented at an international genetics conference during the summer of 1956. In fact, Russell's supervisor, Alexander Hollaender, negotiated a follow up "reconciliation" meeting between Neel and Muller (January 1957) at Oakridge, essentially in the presence of Russell (Neel, 1956a, b; Neel, 1957a, b; Novitski, 1956) (Table 3). Thus, Russell knew only too well how hostile Muller could get if one deviated from the radiation genetics ideology. Russell would walk this dose-response tight rope until after the death of Muller in April 1967, after which Russell would unleash a profound set of criticisms of the radiation genetics mantra and the LNT concept (Russell, 1969, 1973).

Despite these findings, their massive expansion by Russell and their powerful challenge to the LNT single-hit recommendation of BEAR I, it would take some 14 years before a new powerful NAS Committee, now called the BEIR I Committee with the Genetics Subcommittee being chaired by Muller's protégé Jim Crow to reconsider the LNT recommendations of BEAR I. During this process the BEIR I Genetics Subcommittee re-examined the BEAR I report and made two clear initial determinations (Calabrese 2017a,b). The first was that the risk assessment recommendation of BEAR I (Anonymous, 1956) needed to be based on a mammalian model rather than on a fruit fly. The second factor was their acknowledgement that the BEAR I Genetics Panel (Anonymous, 1956) made a mistake in denying dose-rate. The recognition that dose-rate rather than the total dose best predicted mutation damage, meant that the radiation geneticist belief of cumulative and irreversible damage with each dose would be replaced. This finding also meant that linearity may be at risk of being replaced by the threshold dose response, reversing the 1956 position of the BEAR I Genetics Panel. However, despite these new challenges to the LNT model, the Genetics Subcommittee still had a strong disciple of Muller in charge with Crow[8] and would find some rationale to keep the linear dose response model as the default if possible.

Even though the findings of Russell revealed a true threshold for oocytes, the same could not be said for spermatogonia, where the dose-rate related damage, which was mediated by DNA repair, was only able to reduce total mutations induced acutely by 70% and not the 100% needed to achieve a threshold (Figure 1). The BEIR I Genetics Subcommittee therefore concluded that even though it was now known that an ionizing radiation threshold existed for mouse

[8] Toward the end of his career, Crow would acknowledge that Muller and he were amongst the strongest advocates of LNT and that they were too extreme in their views and actions (Crow, 1995).

Table 3
Quote from Neel (1959) letter to Beadle, September 14, 1959.

"There is no mind in science today for whose brilliance I have greater respect than that of Dr. Muller. In the first upsurge of concern concerning the effects of the increasing exposure of the human species to the radiation which followed World War II, it was Muller who had thought most about the problem, and Muller whose point of view dominated the picture. When Jack Schull and I pulled together our monograph on the findings in Japan, we felt obligated to try to fit these findings into the context of present knowledge. The outgrowth of that attempt, our Chapter 15, was a number of questions concerning Muller's argument. We couldn't prove that he was wrong, but we didn't feel he could prove that he was right. In other words, we felt that there were a number of unvalidated assumptions behind a good many of his points. One aspect of this evaluation of ours was a little critique of the significance of mutation rate studies. This critique I delivered at the WHO Study Group on the Effect of Radiation on Human Heredity which met in Denmark in the summer of 1956. I regarded it as part of the normal scientific interchange, but Dr. Muller apparently regarded it as an attack upon his life's work. There developed a rather strained relationship which persists until the present day, I am afraid, and keeps coming back to me in small ways which I consider beneath the dignity of a great man. Be that as it may, Alex Hollander was Chairman of that meeting in Denmark. Muller apparently insisted to Hollander that my statements were unacceptable and should be modified, to the point where Hollander arranged a meeting between Muller and myself at Oak Ridge, in an effort to reconcile the differences of opinion. At this point a number of the British participants in the WHO Study Group got wind of what was afoot, through no efforts of my own, and got their own backs up. It so happened that they agreed with my point of view and in effect transmitted the message that if any pressure were brought upon me, they would withdraw their own papers."

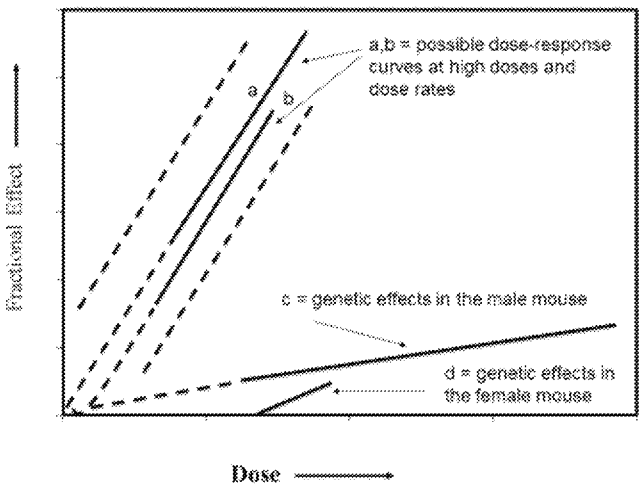

Figure 1. BEIR dose rate graph 1972. Hypothetical dose-response curves for leukemia and genetic effects (Source: NAS/NRC 1972 – page 98). Solid line = observed. Dashed extension of solid lines = unobserved. Line "a" and "b": possible dose-response curves at high doses and dose rates. Parallel dashed lines = rough limits of error for lines a and b. Lines c and d represent genetic damage in the male and female mice, respectively.

oocytes, the LNT would be based on responses of the mouse spermatogonia. While this logic was convincing to the Genetics Subcommittee one would have to wonder why this didn't require further evaluation. Could there be an evolutionary explanation for why oocytes might show a threshold while spermatogonia didn't? Do oocytes have a more efficient DNA repair system than spermatogonia? Are responses of reproductive cells directly applicable to somatic cells?

These above noted questions were not explored or debated by the BEIR I Genetics Subcommitee. The point here is that the Genetics Subcommittee failed to broadly consider the question and were directed by the Crow leadership to obtain the desired outcome. Thus, Crow and his Genetics Subcommittee retained the LNT based on the non-threshold mutation data of the mouse spermatogonia. These views were accepted by a non-inquisitive U.S. EPA in 1975 and reaffirmed in 1977 all with reference back to the Russell research (Calabrese, 2017c).

The findings of Russell were critical for modelling cancer risk assessment for ionizing radiation based on the Atomic Bomb Survivor data for cancer outcomes. However, these epidemiological findings have limited detectability at low doses (Taubes, 1995), and findings need to be extrapolated toward background exposure. In this key low dose extrapolation process the assumption of linearity was made by the BEIR I Genetics Subcommittee (NAS/NRC, 1972) with the findings of Russell serving as the biological dose-response "homing" device for the LNT model. In the late 1970s the U.S. EPA directly extended this linearity model based on ionizing radiation to chemical carcinogens (Albert et al., 1977). The EPA linear cancer risk assessment policy would be challenged in 2017 when Calabrese (2017b,c) reported that the Russell historical control had been found in error (Selby 1998a, b), and had been corrected for a massive error in 1996 by the Russells (Russell and Russell, 1996). Calabrese showed that if the corrected historical data had been used by the BEIR I (NAS/NRC, 1972) Genetics Subcommittee the male mouse would have shown a threshold while the female would show an hormetic response. These findings indicate that the basis for the LNT assumption was incorrectly formulated and that the adoption of LNT for risk assessment was incorrect.

10. Discussion

The present paper reveals that Muller did not discover what he claimed, that is, the "artificial transmutation of the gene" and this finding challenges the validity and application of the LNT single-hit model for cancer risk assessment (Calabrese, 2017a; Crow and Abrahamson, 1997). Muller was also incorrect on the issue of dose-rate (Russell et al., 1958) which had a significant impact on acceptance and promotion of the LNT single-hit theory (Calabrese, 2017b,c). Although complex, Muller's career was fundamentally centered on his quest to be the first to produce gene mutations, and then to defend this interpretation the rest of his life, against the findings of Stadler (1931a, b, 1932, 1954) and others and then over the remaining six years of his research career (1959–1964) on the issue of dose-rate (Calabrese, 2017a, b), while trying to avoid the alternative gene mutation model of McClintock (1950, 1951, 1953) and its advocacy by Altenburg (1957).

Current scientific understandings, therefore, reveal that Muller could not sustain the conclusion that his high dose X-ray induced artificial transmutations of the gene were "real" gene mutations. The strong preponderance of evidence in the 1930s suggested chromosome level heritable genetic changes based on advances in cytogenetic staining, findings that have been confirmed with nucleotide sequencing technologies (Calabrese, 2017a). Since Muller was incorrect with his gene mutation interpretations the LNT single-hit theory of Timofeeff-Ressovsky et al. (1935) lacked a scientific relationship with the data that was used as its foundation (as pointed out by Stadler, 1954). Despite being wrong on the fundamental biological issues, the Muller-led faction of the radiation genetics community was successful in achieving the adoption of LNT worldwide. This was largely due to its highly organized radiation geneticist network focus, profound exaggeration of risks, and collusions with the Rockefeller Foundation and the U.S. NAS (Calabrese, 2013, 2015a,b,d), and their massive LNT-promotion campaign immediately following BEAR I which affected

government, the scientific community, the media and the general public.

Since the deceptions (e.g., BEAR I) and significant errors (e.g., BEIR I) can be traced back to major scientific historical figures, Nobel Prize winners (i.e. Hermann Muller, George Beadle and Max Delbruck), prestigious U.S. NAS Committees (i.e. BEAR I and BEIR I) and at least one past NAS president (i.e. Detlev Bronk) (Calabrese, 2015a, b), it is important that the ideological history of cancer risk assessment in the U.S. be documented and become a part of the scientific and regulatory agency historical record to help ensure that vital public health policies and practices do not continue to be the offspring of a scientifically incorrect and dishonest past.

This historical assessment reveals a complicated dynamic amongst researchers, their colleagues, and rivals, all within a framework of politics, policies, social philosophies and personalities. Hermann Muller led the field, starting with redefining the concept of mutation and finding improved ways to assess it. Muller worked on these matters within a framework of wanting to be first, gaining recognition and its benefits and pushing this to extremes. One example of this obsession is seen when Muller claimed credit for an important discovery (i.e., first reported in *Drosophila* in which both genetic and cytological evidence of translocation were combined) that Curt Stern had made (Muller, 1929a, b; Muller and Painter, 1929; Stern 1926, Stern, 1929a, b). This resulted in getting the normally reserved Stern to confront Muller via correspondence. Muller was forced to publically apologize and correct the matter. However, symptomatic of this behavior and in this same general period, Muller would apparently manipulate an editor at *Science* to publish his discussion on X-ray induced mutation without providing any data, simply doing so as a means to ensure that he would be first - a tactic that was enormously rewarded.

Much of what Muller did over the next four decades was to preserve and defend the legacy of his breakthrough gene mutational findings/interpretation and the formulation of the Proportionality Rule (the LNT concept). In so doing, Muller would become the intellectual leader of the radiation genetics community, helping to ensure its importance and create new professional and funding opportunities. The principal challenge for Muller was the thoughtful reflections of Stadler and his capacity to create and test key hypotheses, the data from which would challenge Muller's interpretation of his "groundbreaking" findings. Stadler, who was unrelenting, objective and insightful, seemed to follow in the footsteps of Muller's Ph.D. advisor T.H. Morgan. These researchers, according to Muller (1946f), "abhorred what they termed "speculation", that they even distrusted the validity of the most essential lines of reasoning." Stadler and Morgan were leaders in that wave of skepticism whose participants "doubted the doubt 'til they doubted it out." (Muller, 1946f). In the end, Muller's interpretations were revealed via such follow up experimentation to be incorrect, that is, the very high doses he used produced heritable chromosomal, not gene, phenotype changes. More than 50 years later, with advances in nucleotide assessment methods, it would be shown that ionizing radiation could produce some gene mutations but at far lower doses (Asakawa et al., 2013; Colussi et al., 1998; Colussi and Lohman, 1997; De Serres, 1991; De Serres et al., 1967; Fossett et al., 1994; Furuno-Fukushi et al., 2003; Liu et al., 2003; Mognato et al., 2001; Nakamura et al., 2005; Nelson et al., 1994, 1995; Nohmi et al., 1999; Okudaira et al., 2010; Park et al., 1995; Russell and Hunsicker, 2012; Schwartz et al., 2000; Sudprasert et al., 2006; Thacker, 1986, 1992; Thacker et al., 1990; Toyokuni et al., 2009; Webber and De Serres, 1965; Yamada et al., 1996).

Muller loyalists, such as Charlotte Auerbach (1976) and others, would strain the limits of credibility by arguing that Muller was proven to be correct. These examples of revisionist history were based on an incorrect interpretation of his findings. Muller would excite the world with the claim he produced 40 gene mutations one weekend afternoon, more than the entire field had produced in a decade (Carlson, 1981). Yet, we now know that he was not producing gene mutations. In fact, Auerbach (1978) would eventually support Stadler noting that "Stadler tested many X-ray mutations of a particular gene in maize and found that all of them were deficiencies. Not long ago this conclusion was confirmed by experiments on a different gene in maze. Muller's evidence, gained from work with *Drosophila*, was less direct ..." (Auerbach, 1978). While Auerbach (1978) gave the proverbial nod to Stadler's perspective, this was done even more emphatically by two very close colleagues and friends of Muller. Crow and Abrahamson (1997) acknowledged that Stadler's deletion interpretations had been convincingly supported with modern analytical methods and that Muller was simply too stubborn, holding on too long to a discredited position. However, old deeply held and self-serving beliefs such as Muller's original error of interpretation, would mesmerize the scientific community making it impossible to change, as it became an accepted myth leading to the creation of the LNT single-hit model for cancer risk assessment, affecting vast changes in public health risk assessment policies and risk communication strategies, while being susceptible to political and ideological manipulation.

The Muller story reveals a conflicted character, the discoverer of an apparent major breakthrough, something that he greatly desired. At the same time, Muller was tortured with the possibility that he was wrong, spoke too soon, that his mutations were really only holes that the X-rays had poked in the chromosomes. He knew only too well that if his mutations were really only poked holes there really wasn't much new or great with his "breakthrough" discovery. Thus, we have a life that sought to "hold on", while trying to prove that he actually had produced "real" mutations.

Eventually the scientific story of Muller's chromosomal rather than gene mutations would progressively emerge, even if it would take up to five decades after he received his Nobel Prize. The influence of Muller continues to be dominantly reflected in current regulatory policy, which was based on poorly formulated science, in need of corrective transformation by major agencies, such as the U.S. EPA, which however have been unable or unwilling to do.

The story of Muller's discovery of gene mutation also speaks to the broader issue of science being self-correcting. Due to the courage and focus of Stadler, Muller's interpretations were challenged and tested in the laboratory. This inspired others, including perhaps a desperate Muller, to seek the truth.[9] These challenges would be tested in the domains of cytogenetics, position effects, transpositional elements, reverse mutations, and eventually with the use of the Southern Blot, PCR and other DNA technologies. We now know that Stadler was correct when he said that it was critical for the scientific community not to confuse the observation of transgenerational phenotypic changes at high doses with its unknown mechanism(s). In the end, Muller was trying in 1927 to discover the mechanism of evolution, and he "knew" that it must be gene mutation. However, he convinced the world (at least for a while), and maybe himself, that he had done so with his high dose *Drosophila* experimentation. However, the scientific community can thank Stadler and his collaborator McClintock for creating the necessary doubt that would eventually lead to science displaying a self-correction for Muller's claim. An important follow up question is whether regulatory agency "science", like that of experimental science, can be self-correcting. Now many years after Muller's

[9] In private letters with Altenburg (Altenburg, 1953c; Muller, 1953; 1954b,c), Muller would acknowledge problems with his reverse mutation explanation, the significant role of position effect and the influence of the mutable genes of McClintock.

incorrect interpretations were revealed, society still lives with a risk assessment model based on a mistaken set of Muller's interpretations. In 1995 Crow would reflect upon the impact of his generation of radiation geneticists in estimating ionizing radiation induced risks. With his then 20-20 hindsight Crow stated that Muller's leadership and action "oversold the dangers, and should accept some blame for what now seems, to me at least, to be an irrational emphasis by the general public and some regulatory agencies on low-level radiation …. ."

In the aftermath of the BEIR I (1972) recommendation and the adoption of the LNT perspective for regulatory agency policy and practice came a spate of biostatistical models offering estimates of cancer risk in the low dose zone following the linearized perspective. The broad range of linearized models were highly speculative attempts to estimate risks at very low doses often using some feature of enhanced biological plausibility, such as the number of theoretical stages in cancer development, the role of interindividual variation, the incorporation of carcinogen bioactivation and DNA repair and other approaches (Cornfield, 1977; Crump et al., 1976; Hoel et al., 1975; Krewski and Brown, 1980; Rai and Van Ryzin, 1981). This type of modeling started, for the most part, in 1961, with the Mantel and Bryan paper, based on the carcinogen contamination Cranberry scare during the Kennedy-Nixon election of 1960 followed by a hiatus until the mid-1970s after the creation of EPA and OSHA when legislative and regulatory activities intensified. These models were constrained by linear assumptions as provided by the BEAR I Genetics Panel, the BEIR I Committee and the official adoption of LNT from BEIR I in 1975 by EPA [see recommendation to support the LNT single-hit model by a subcommittee of the U.S. Department of Health & Welfare (Hoel et al., 1975)]. In between these two NAS committees there were many advisory groups of a national and international nature that followed BEAR I (Calabrese, 2013, 2015a). The linear assumption of these models in the mid-1970s and later were based on the predecessor NAS committees, with BEIR I having the latest and most direct impact since it was based on mice rather than fruit fly model of BEAR I. Given the above historical reconstruction, the risk assessment modeling activities would have been considerably different had EPA determined that the default should be a threshold or hormetic model. The rapid dominance of linear cancer risk assessment modeling in the late 1970s would not have occurred without the recommendations of the two NAS committees. These modeling activities were derived from biostatisticians who tried to derive more biologically motivated linearized models, not being aware of the plotting, scheming, deceptions, misrepresentations and mistakes of the two NAS committees. In the end, the real leaders were Muller, his radiation geneticist followers and their institutional partners. The subsequent linearized modeling was simply the following of the linearity script as written by the NAS BEAR I Genetics Panel.

These convergent entities reached a type of critical mass during the NAS BEAR I Committee Genetics Panel, facilitating no less than a scientific, social, psychological and politically-based risk assessment revolution within the U.S. and essentially all other countries adopting the LNT model for cancer risk assessment.

11. Conclusions

1. Muller incorrectly assumed he induced gene mutations in 1927 when he demonstrated that X-rays induced transgenerational phenotypic changes in *Drosophila* (Calabrese, 2017a).
2. The Muller findings had a major impact on the scientific community. His non-peer-reviewed data (Calabrese, 2018) and incorrect interpretations were widely accepted (Campos, 2015).
3. This incorrect gene mutation mechanistic interpretation lead to the development of the "Proportionality Rule" for dose response in 1930 by Muller and the LNT single-hit dose response model in 1935 by Timofeeff-Ressovsky et al. (Calabrese, 2017a).
4. Muller's gene mutation interpretations were strongly challenged in the genetics community, especially by Lewis J. Stadler and Barbara McClintock, who showed that Muller's gene mutation interpretation lacked scientific proof and could be explained by other mechanisms (Calabrese, 2017a).
5. Limited research directed by Muller supported a conclusion that X-ray induced mutations were best explained by total dose, not dose rate and the genetic damage was cumulative, irreversible and the dose response was linear (Ray-Chaudhuri, 1939,1944)
6. Muller's total dose findings were strongly challenged in Manhattan Project research with far stronger studies (Calabrese, 2011a). These findings were improperly marginalized by leaders of the U.S. radiation genetics communities including Stern and Muller who misrepresented the data via deceptions, false statements and obfuscations (Calabrese, 2011a, 2015b, 2016).
7. The inappropriate awarding of the Nobel Prize in 1946 to Muller for producing "gene" mutations gave an enormous credibility to the LNT risk assessment model, facilitating its acceptance within the scientific, medical, regulatory and political communities. It is likely that the award had long lasting societal impact that facilitated worldwide acceptance of LNT.
8. It was incorrectly assumed by the scientific/regulatory communities and prestigious advisory groups (e.g. U.S. NAS BEAR I Committee, Genetics Panel) (Anonymous, 1956) in the late 1950s that the responses of mature spermatozoa to ionizing radiation induced "gene" mutation which were linear at high doses and independent of dose rate and such doses could be generalized to all cell types, doses and dose rates (Calabrese, 2015b, 2016).
9. These assumptions were incorrect because it was later (i.e. early 1960s) determined that mature spermatozoa lacked DNA repair, thereby preventing its capacity to repair radiation and chemically induced mutation as could occur in somatic cells (Calabrese, 2017b, c).
10. The NAS BEAR I Genetics Panel deliberately misrepresented their own research findings and hid their contradictory findings to promote the acceptance of the LNT model for regulatory agency risk assessment (Calabrese, 2015b, 2016).
11. William L. Russell at the Oak Ridge National Laboratory starting in late 1958 demonstrated that ionizing radiation induced mutations in mouse spermatogonia and oocytes were dependent upon dose-rate, not total dose as had been assumed, due to their capacity to repair DNA damage (Calabrese, 2017b, c).
12. The BEIR I (NAS NRC, 1972) Genetics subcommittee acknowledged the "mistake" of the NAS BEAR I Genetics Panel on dose-rate but still retained the LNT recommendation because the significant reduction in mutation rate in the spermatogonia as shown by Russell et al. had not regressed to control values as in oocytes. Nonetheless, the BEIR I Genetics Subcommittee suggested that findings from spermatogonia had greater capacity for generalization to somatic cells, due to repair capacities, as compared to mature spermatozoa. Russell referred to failed DNA repair capacity as an "odd phenomenon, restricted to spermatozoa and

occasioned by the peculiar nature of the specialized spermatozoan cell." (Calabrese, 2017b,c)

13. Selby (1998a,b) in 1995 detected a significant error in the Russell mouse specific locus test historical control group. This error was subsequently acknowledged and corrected by Russell and Russell (1996) along with Selby (1998a,b). If this error had not been made or had been corrected prior to the creation of BEIR I the mouse spermatogonia data that was used to support continuance of the LNT model would have supported a threshold or hormetic model based on the Russell and Selby corrections, respectively (Calabrese 2017b,c).
14. Summary: The LNT for cancer risk assessment originated due to (1) a critical mistake by Muller that he had discovered X-ray induced "gene" mutation, (2) the adoption of the LNT single-hit model was based on this assumption, (3) a mistake in generalizing the use of the DNA-repair deficient mature spermatozoa for somatic cells by BEAR I (4) deceptions and misrepresentations of the scientific record by leaders of the radiation genetics community, including the NAS BEAR I Genetics Panel and (5) failure to detect the error in the Russell Mouse Specific Locus Test control group, which would have precluded support for LNT. EPA then extended the error by adopting LNT for cancer risk assessment, stating in 1975 and 1977 that it was based on the now recognized erroneous dose rate findings of Russell as cited in BEIR I (1972).
15. It is ironic that the misrepresentation of the scientific record by this NAS BEAR I Genetics Panel to promote their ideological agenda stands in sharp contrast to the memorialized quote on the Einstein statute on the very grounds of the U.S. NAS in Washington, DC. It states: "The right to search for truth implies also a duty; one must not conceal any part of what one has recognized to be true." As the historical record shows the NAS BEAR I Genetics Panel did not follow the guidance of Einstein.

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Conflict of interest

The authors declares no conflict of interest.

Declaration of interest

None.

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Message

From: Ex. (b)(6)
Sent: 5/24/2018 2:40:44 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Ex. (b)(6)
Attachments: Ex. (b)(6)

Dear Ryan,

I hope this finds you well. I realized that I sent my resume to the wrong address (.org instead of .gov). My apologies.

I thoroughly enjoyed speaking with you. Through my experience in government and in high-profile private sector organizations, I believe I can help meet your communications challenges.

If there's anything else you need, please let me know.

Thank you, Ex. (b)(6)

Begin forwarded message:

> **From:** Ex. (b)(6)
> **Date:** May 10, 2018 at 6:50:42 PM EDT
> **To:** jackson.ryan@epa.org
> **Subject:** Ex. (b)(6)
>
> Dear Ryan,
>
> It was a pleasure to meet you over the phone, and I look forward to speaking in person tomorrow. Attached please find my resume as discussed.
>
> See you tomorrow at 11:30 am.
>
> If you need anything in the meantime, please let me know.
>
> Kind regards, Ex. (b)(6)

Ex. (b)(6)

Ex. (b)(6)

Message

From: Jason Johnston Ex. (b)(6)
Sent: 5/14/2018 3:30:58 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Ass't Admn for R&D

Hi Ryan: If the Administrator is amenable to considering a physical scientist for this position, you could do no better than Ex. (b)(6) Best, Jason

Jason Scott Johnston, JD, PhD
Henry L. and Grace Doherty Charitable Fdn. Professor
Armistead M. Dobie Professor
Director, Olin Program in Law and Economics
University of Virginia Law School
Principal, Tally Ho Technical
105 Tally Ho Dr.
Charlottesville, VA 22901
Ex. (b)(6)
Email:jjpole@icloud.com

Message

From: Fraud Risk Management in Government Training [Workshop@GovEnterpriseRiskMgmt.org]
Sent: 5/15/2018 3:01:49 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Early Bird Until May 18- Fraud Risk Management in Gov Training Workshop

Fraud Risk Management in Government Training Workshop II

Managing Risks to Fraud, Waste, and Abuse and Complying with the Fraud Reduction and Data Analytics Act

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Office of Investigations
U.S. Secret Service

Robert Westbrooks

Inspector General
Pension Benefit Guaranty Corporation(PBGC)

Adam Goldberg
Director and Executive Architect
Office of Financial Innovation and Transformation
Bureau of the Fiscal Service
Department of the Treasury

Stephen M. Lord
Assistant Inspector General for Audits
Amtrak OIG

Kurtis Minder
CEO
GroupSense

Overview:

Fraud in government programs is a significant financial and reputational concern. According to the Association of Certified Fraud Examiners (ACFE), the typical organization loses 5 percent of its revenue to fraud each year. Even when detected, 40 to 50 percent of the organizations that fall prey don't recover their losses. According to ACFE, government and public administration are among the industries most likely to be victims of fraud.

This workshop is designed for executives, managers and staff in the offices which perform many of the core programmatic and operational components of an organization to better understand GAO's Fraud Risk Management guide and the fraud risk management requirements contained in the FRDAA.

Participants will also gain an understanding of the types of fraud agencies in the federal government encounter, key aspects of Treasury's forthcoming government-wide integrity playbook, how data analytics can be practically and cost-effectively applied to detect and prevent fraud, and ways to continue implementing the new requirements.

What You Will Learn:

- The requirements of the Fraud Reduction and Data Analytics Act of 2015
- The key elements of GAO's Fraud Risk Management Framework
- The financial reporting requirements for Fiscal Year (FY) 2018
- How to leverage data analytics capabilities to detect and prevent fraud
- How to protect your organization from fraud schemes

- How to leverage cyber intelligence to identify and mitigate online fraud threats
- Key aspects of the government-wide integrity playbook

Why You Should Attend:

- The new Fraud Reduction and Data Analytics Act requirments
- What OMB A-123 requires with regard to fraud
- How to implement GAO's Fraud Risk Management Framework
- How to incorporate data analytics into a successful fraud risk management program

Who Should Attend:

- Financial and non-financial management professionals responsible for fraud management, implementing the Fraud Prevention Act, risk management/internal controls
- Fraud management, risk management, and internal controls program managers and team members
- Program management professionals with responsibilities in managing fraud reduction
- Auditors
- Risk management and internal controls steering committee members
- Inspectors General and staff
- Chief Financial Officers and staff
- Chief Procurement and Acquisition Officers and staff
- Risk management staff
- Chief Human Capital Officers, HR managers, and staff
- Managers, directors, and senior officials who have fiduciary/financial and/or risk management responsibilities
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Message

From: Jonna Kirschner [Jonna.Kirschner@chickasaw.com]
Sent: 5/10/2018 6:01:40 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Filtra-Systems Company & Chickasaw Nation Industry follow up
Attachments: ATT00001.txt

Ryan:

Thank you for setting up very productive meetings for Chickasaw Nation Industries and various members of the Office of Water. We have shared our technology and are in the process of providing real time data in the produced water arena to assist.

I am reaching back out to you as we also had a very fruitful meeting with Kel Kelly, and as you can see from the email below were on the cusp of a telephone conference with various site managers of Super Fund sites when Kel abruptly resigned. I have known Kel for many years and was very disappointed at how he was treated in the press and how the Administrator has been maligned, especially when there is so much progress on Super Fund sites that have not been addressed in the last thirty years.

Filtra-Systems has 39 years of experience with Super Fund sites and we would still welcome the opportunity to partner with the EPA and others to garner more favorable results and press for all. If you would kindly direct us to the appropriate person, we would be glad to continue the discussions.

All the best, Jonna

Jonna D. Kauger Kirschner
Sr. Vice President Economic Development
Chickasaw Nation Industries, Inc.
2600 John Saxon Blvd.
Norman, Oklahoma 73071

Ex. (b)(6)

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From: Scott Bratten [mailto:scottb@filtrasystems.com]
Sent: Monday, April 23, 2018 4:31 PM
To: kelly.albert@epa.gov
Cc: Jonna Kirschner <Jonna.Kirschner@chickasaw.com>
Subject: Filtra-Systems Company & Chickasaw Nation Industry follow up

Mr. Kelly

Thank you for taking the time last Thursday to meet with Jonna and I and to give us the opportunity to introduce Filtra-Systems Company, a division of Chickasaw Nation Industries. Our Company has a thirty nine year history of supplying innovative filtration and separation technologies to a global customer base, including many remediation applications at EPA sites. We have proven technologies for removing; total suspended solids, hydrocarbons, oil, PCB and heavy metals from contaminated ground water and surface waters. The following examples are a few of the remediation projects which used our filtration & separation systems to meet stringent EPA effluent discharge requirements.

1) EPA Superfund site (Wyckoff / Eagle harbor , WA.) Removal of creosote oil from contaminated ground water, a legacy of wood treating facility for railroad ties. Our equipment has a design filtration rate of 200,000 gallons per day.
2) Aluminum Plant (Spokane, WA.) PCB removal from contaminated ground water, a legacy from leaking electrical transformer. Our equipment has a design filtration rate of 17.3 million gallons per day. Clean water is discharged to a river.
3) Honeywell NNSA Banister Federal Complex (Kansas city Plant). Iron and PCB removal from contaminated ground water, a legacy of WWII engine manufacturing. Our equipment has a design filtration rate of 100,000 gallons per day.
4) Mining Company (Crested Butte, CO.) Cadmium and other heavy metals removed from mine water drainage at an inactive mine site. Our equipment has a design filtration rate of 500,000 gallons per day. Clean water is discharged to a river.
5) Oil Company (Bakersfield, CA.) Total suspended solids and oil are removed from intrusion ground water and oil field produced water. Our equipment has a design filtration rate of 43.2 million gallons per day. Seventy five percent of clean water is sold to farmers for irrigation.

Filtra-System Company has pilot test equipment and application engineers available to perform on site testing at EPA superfund sites to demonstrate the capabilities of our technologies. If you have any applications that match the examples I have highlighted above, we would like the opportunity to work with your site managers to determine if Filtra-Systems can offer any technology to help clean up any of the super fund sites.

Please let me know how we can help you.

Best regards,

Scott Bratten
CEO

Filtra-Systems Company, LLC
23900 Haggerty Road, Farmington Hills, MI 48335 USA
Ex. (b)(6)
Email: scottb@filtrasystems.com

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Message

From: Matt Ogren [MOgren@insightwebpoll.com]
Sent: 5/11/2018 2:46:14 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Reminder: Contribute to the TradeMarks 2018 survey results

Hello Ryan Jackson,

I am contacting you to follow-up on our previous invitation to participate in a study that will shed light on what makes a trade association an effective public policy advocate. I recognize your time is valuable and that these invitations can get lost in the shuffle, but I believe that you will find the topic interesting and encourage you to participate in the survey.

In appreciation for your time we will send you an advance copy of the study's executive summary. Additionally, APCO is making a $5,000 charitable contribution to each of five charities selected by individuals completing the survey.

We are only contacting a select number of individuals and hope you will take the time to share your views. The online survey is easy to complete; **it will only take about 15 minutes of your time.**

Please click on the link below to complete the survey online.

START NOW

Alternatively, you can copy and paste the following URL into your internet browser:
http://www.insightwebpoll.com/association2018&p=A30779

Rest assured, this survey is completely confidential; your name and affiliation will not be reported with the responses you provide, and we recognize that you are sharing your personal opinions and not those of any organization.

Should you have any questions or difficulties completing this survey, please feel free to contact me.

Thank you for your participation,

Matt Ogren
Study Director

5086 List Drive, Colorado Springs, CO 80919
Unsubscribe

Message

From: Jennifer Abril [abrilj@socma.com]
Sent: 5/8/2018 11:16:03 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Ex. (b)(6)
Attachments: Ex. (b)(6)

Ryan –
Good talking with you. Attached is an older resume for Ex. (b)(6) but it should do the trick at this stage. Here's her contact information:

Ex. (b)(6)

Best,
Jennifer

SOCMA
Society of Chemical Manufacturers & Affiliates

Jennifer Abril
President & Chief Executive Officer • SOCMA
Ex. (b)(6)
email. abrilj@socma.com
1400 Crystal Drive, Suite 630
Arlington, VA 22202

www.socma.com

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Ex. (b)(6)

Ex. (b)(6)

Message

From: Chantelle Tolliver [chantelle.tolliver@gm.com]
Sent: 5/11/2018 7:57:44 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Mtg Request- GM CEO Mary Barra & Administrator Pruitt

Ryan-

GM Chairman & CEO Mary Barra has requested to meet with Administrator Pruitt as a follow up to today's WH meeting during her next visit to DC—next Friday, May 18. She is available between 1-4pm that afternoon. Please advise as to whether a meeting is possible. Thank you.

CHANTELLE TOLLIVER
Chief of Staff | GMNA Public Policy
chantelle.tolliver@gm.com
Ex. (b)(6)
GENERAL MOTORS

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Message

From: Ex. 6 - Personal Email
Sent: 5/18/2018 2:25:46 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: Will Trump's pick to run EPA in California show up for work?

:-)

Sent from my iPhone

On May 18, 2018, at 6:17 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

> Well, Oklahomans know what a bull wrangler is. If that's what you are, that's what we need. Welcome to the EPA.

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

On May 17, 2018, at 11:46 PM, Ex. 6 - Personal Email wrote:

> Almost funny. I am sure our distractors would love it if I didn't show up to work.
> On the contrary I look forward to showing up 24/7
> 7 days a week 354 days a year non-stop.
> I am relentless.
> Best regards,
> Mike
>
> http://www.latimes.com/politics/la-na-pol-epa-pick-san-francisco-20180517-story.html
>
> # Will Trump's pick to run EPA in California show up for work?
>
> By Tony Barboza and Evan Halper

Tthe Golden Gate Bridge and San Francisco skyline from the Golden Gate National Recreation Area. (Allen J. Schaben / Los Angeles Times)

The White House may have finally found someone to take on the stress of overseeing President Trump's fossil fuel-friendly environmental agenda in the heart of hostile territory: California and nearby states.

But there's one glaring problem.

The guy officials have queued up to lead the Environmental Protection Agency's headquarters in San Francisco doesn't want to live anywhere near San Francisco.

That doesn't appear to be stopping the administration from hiring Santa Barbara County GOP stalwart Mike Stoker, a politico well positioned to annoy the powers that be in California.

He credits himself with conceiving the "lock her up" chant that Trump rallygoers shouted in their rage against Hillary Clinton. He was the spokesman for one of the state's most embattled oil companies. He questions the scientific consensus on climate change.

None of those things are disqualifying, even if some in California think they should be. But Stoker's refusal to work in the liberal City by the Bay has put the administration in a pickle. Instead he wants to oversee the 700 or so enforcement officers, scientists, researchers and others guiding environmental protection in California and nearby states from a small, sparsely staffed Los Angeles satellite office.

That's a big ask in an agency already reeling from investigations into the travel habits of its leaders, including the taxpayer-funded flights back home to Oklahoma by EPA chief Scott Pruitt, some of which were in the first-class cabin.

California Sen. Dianne Feinstein fired off a letter to Pruitt on Thursday warning of the consequences of allowing Stoker to be an "absentee" chief of EPA Region 9. She demanded to know how the

arrangement could possibly work, and what costs taxpayers would bear.

The EPA weeks ago alerted Stoker allies in Santa Barbara that his appointment was imminent. But no official announcement has come as his backers, including EPA political appointees, scramble to figure out how he can run a large San Francisco-based bureaucracy without showing up there, according to staffers inside the agency who spoke on condition that their names not be used. Some longtime career officials at the EPA are deeply skeptical, and warn such an arrangement could create yet more ethics troubles for the agency.

The last time a regional EPA chief tried juggling work at the San Francisco headquarters with trips home to Southern California, federal investigators discovered some $69,000 in flights they said may have been inappropriately billed to taxpayers. That was during the late years of the George W. Bush administration. Feinstein reminded Pruitt about that investigation, and questioned if his EPA is heeding the lessons learned from it.

Stoker, a former Santa Barbara county supervisor who made his entry into politics in the 1980s as a strident opponent of a ballot measure limiting offshore oil development, did not return calls and emails. A statement from the EPA said only, "we have no personnel announcements to make at this time."

Environmental groups joined Feinstein in expressing bewilderment that the region chief may keep living in Carpenteria, which is hours from even the Los Angeles office.

"You can't do that job without face-to-face contact with the scientists, engineers, lawyers, and other professionals in Region 9's office who do the heavy lifting," said Eric Schaeffer, a former chief of civil enforcement at EPA who now runs the nonprofit Environmental Integrity Project. "Phoning it in is not going to work."

Finding a leader for Region 9 has been vexing for the Trump administration. One ally of industry after another rejected its overtures to lead the feisty office of career professionals who have

little enthusiasm for the Trump agenda. The pay hardly compares to what potential recruits are making in the private sector, the cost of living in San Francisco is crushing and the neighbors are not particularly hospitable to folks carrying the "Make America Great Again" torch.

For such reasons, Stoker seemed a good fit. A Trump delegate at the 2016 Republican National Convention who delights in mocking liberals on social media, Stoker is a rare commodity on the California coast: a resilient Republican.

"He's a bull wrangler, and that's exactly what we need," said Andy Caldwell, executive director or the Santa Barbara County Coalition of Labor, Agriculture and Business. Caldwell learned of the coming appointment when the EPA sought a quote from him to put in its news release. He said Stoker is skilled at brokering deals among disparate interests.

Not all Stoker's fellow Republicans are as impressed. Dale Francisco, a former chair of the Santa Barbara County GOP, wrote several senators in March to urge they reject Stoker's appointment for a different high-level job in the administration, running the Federal Mediation and Conciliation Service. Francisco said in an interview that Stoker has never managed a major organization.

"You can be the world's most wonderful guy, but without any management experience, you should not be managing as large an organization as EPA Region 9. Period," Francisco said in an interview. "How is he going to manage this agency in a state where elected leadership is utterly opposed to Trump and get anything done?"

Other Republicans attributed Francisco's attacks to bitterness over Stoker's role advising the local GOP party in its dispute with Francisco's girlfriend, who was fired as the party's executive director. The woman brought her complaints of discrimination and retaliation to state labor investigators, who declined to take any action.

Stoker's record suggests he would be an unflinching champion of the rollbacks of fuel economy standards, air quality rules and other

federal environmental protections that are riling California's leaders.

He criticized lawsuits that California municipalities filed against the oil industry for their role in climate change, telling the Santa Barbara News-Press last year that they ignore "the conflicting evidence about global warming, and as we all know, there is conflicting evidence."

One of the oil companies in the area most despised by environmentalists, Santa Maria-based Greka Oil & Gas, which has a history of regulatory troubles, spills and violations at its California facilities, was represented by Stoker.

That company, now known as HVI Cat Canyon Inc., has been in a years-long legal fight with the EPA and federal prosecutors over pollution from its operations. In 2011 the Department of Justice filed suit alleging a series of spills at the company's California facilities violated state and federal environmental laws. Last month, the company was hit with a $12.5-million fine by state regulators over violations at an oil field in Orange County.

Stoker's alignment with forces long at odds with the EPA makes him a particularly troubling pick for environmentalists. "Once again," said Linda Krop, chief counsel of the Environmental Defense Center in Santa Barbara, "it's putting someone in charge who actually opposes the mission of the agency."

The latest from Washington »

More stories from Evan Halper »

tony.barboza@latimes.com

evan.halper@latimes.com

Tony Barboza is a reporter who covers air quality and the environment with a focus on Southern California. He has been on staff at the Los Angeles Times since 2006,is a graduate of Pomona College and completed a Ted Scripps Fellowship in Environmental Journalism at the University of Colorado.

Evan Halper writes about a broad range of policy issues out of Washington D.C., with particular emphasis on how Washington regulates, agitates and very often miscalculates in its dealings with California. Before heading east, he was the Los Angeles Times bureau chief in Sacramento, where he spent a decade untangling California's epic budget mess and political dysfunction.

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President Trump signs spending bill

Sent from my iPhone

Message

From: Ex. (b)(6)
Sent: 5/30/2018 12:50:00 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Fwd: Opening in the public affairs office
Attachments: Ex. (b)(6)

Good Morning Ryan,

I hope all is well. I don't know if you remember me but we met when I was working at the Senate Energy and Natural Resources Committee and when you were at EPW. First, Administrator Pruitt is doing a great job and the EPA is doing great work.

Second. I am reaching to see if you had time to discuss the opening left in EPA's public affairs office by the departure of Liz Bowman as I would kindly ask to be considered for that position. Currently, I am Ex. (b)(6)

Ex. (b)(6)

Ex. (b)(6) I know how to communicate complex energy policy issues out to the media.

I am a true believer in President Trump's agenda and fully support Administrator Pruitt's mission and the work he has done at EPA. Would you have time to discuss this open position in the EPA's public affairs office?

Thanks Ryan and I look forward to hearing back from you.

Ex. (b)(6)

--

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Ex. (b)(6)

Message

From: Michele Nellenbach [mnellenbach@bpcaction.org]
Sent: 5/8/2018 6:20:24 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: follow-up

Ryan, with the Administrator's visit coming up, I need to talk to you about a few details. Can you give me a call when you have a minute Ex. (b)(6) Thanks.

Michele Nellenbach
Director of Infrastructure | Bipartisan Policy Center
Ex. (b)(6) bipartisanpolicy.org | @BPC_Bipartisan

Message

From: Gov Employee Performance & Conduct. Workshop [EmployeePerformance@potomacforum-info.org]
Sent: 5/7/2018 2:31:38 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Starts May 17th: Training to Address Gov Performance, Conduct and Harassment Issues

Register for May 17th
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National Academy of Public Administration (NAPA)

James Read
Director, Office of Policy and Evaluation
Merit Systems Protection Board (MSPB)

N. Tony Nguyen
Associate Director, Workforce, Relevancy &
Inclusion Management
National Park Service (NPS)
Department of the Interior (DOI)

Ray Crawford, PhD
Employee Engagement Officer
Office of Federal Student Aid
Department of Education

Thevee Gray
Personnel Psychologist
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Culture Executive
National Geospatial-Intelligence Agency (NGA)

Bill Valdez
President
Senior Executives Association

Mika Cross
Federal Workforce Expert

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Talent Management Directorate
Office of Human Resources Management
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Department of Homeland Security

Overview:

Experienced Human Capital Executives and Leadership Experts will share their insight and experience in developing and implementing long-term and near-term workforce management practices that will help attendees understand how best to improve performance, increase accountability and reduce costs.

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- Understand how to quickly differentiate between employee performance and conduct issues and what you need to know to quickly address employee discipline and/or termination

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- Know where to find practical support, assistance and resources to effectively deal with performance and conduct issues in the workplace

- Adopt promising practices that drive positive outcomes by leveraging the Federal Employee Viewpoint Survey Results into actionable steps to cultivate an inclusive, high-performing culture designed to retain top talent and maximize employee potential and performance

Why You Should Attend:

- Maximize employee performance by focusing on concrete steps to increase performance and effectively deal with poor performers;

- Optimize employee recognition programs designed to recognize, reward and retain top performers;

- Build your toolkit for cultivating a culture of engagement and accountability designed to achieve enhanced organizational and individual performance

Who Should Attend:

- Federal supervisors and managers

- Federal HR Executives, managers and staff

- Anyone responsible for implementing Agency restructuring plans

- Federal employees or members of employee affinity groups

- Communications practitioners responsible for leading change management and internal communications campaigns

- IGs and Staff

- Industry Partners who support the government

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Message

From: rich.gold@hklaw.com [rich.gold@hklaw.com]
Sent: 5/21/2018 4:48:17 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: FW: May 29
Attachments: EPA 3_13_2018 ltr.pdf

Background on meeting next Tuesday at 1.

Rich Gold | Holland & Knight
Practice Group Leader
Public Policy & Regulation Group
Holland & Knight LLP
800 17th Street N.W., Suite 1100 | Washington, DC 20006
Ex. (b)(6)
rich.gold@hklaw.com | www.hklaw.com

Add to address book | View professional biography

-----Original Message-----
From: Chancellor, Erin [mailto:chancellor.erin@epa.gov]
Sent: Friday, May 18, 2018 11:38 AM
To: Gold, Richard Ex. (b)(6) <rich.gold@hklaw.com>
Subject: RE: May 29

Thanks Rich, appreciate the info. I'll give you a call on Monday.

Erin E. Chancellor

-----Original Message-----
From: rich.gold@hklaw.com [mailto:rich.gold@hklaw.com]
Sent: Friday, May 18, 2018 11:37 AM
To: Chancellor, Erin <chancellor.erin@epa.gov>
Subject: RE: May 29
Importance: High

Background as discussed. I don't think it's helpful to send this around broadly inside and have a debate over whether this warrants an HQ mtg. We have the private parties booked to come and they are expecting a meeting. An HQ mtg is needed to remedy the concern raised by the negative tone in the letter the Region sent out. We need to plan out where we go from sampling plan and how we get to a consent decree(s). We need a process that will involve HQ and the Region to do that. That's the purpose of this discussion. The Portland site is on the Administrator's priority list. The business community expects significant HQ/Administrator's office involvement in figuring out how we move forward as quickly and fairly as possible in conjunction with Chris and Sheryl in the Region. The Meeting Objectives will serve as our thoughts on an agenda. The Key Things are for your background. I think we should probably talk again after you've had the chance to review.

Meeting Objectives:
1. Information Gathering – ask questions and get additional detail/background/information on the March EPA letter and thoughts on path forward
2. Information Sharing – educate EPA on the PCI allocation/post-allocation process and timing
3. Discuss Shared Objectives in the Post PDI Sampling Period
4. Discuss Process/Next Steps – put in place a process for coming up with how best to proceed post-Pre-RD sampling (PDI Work)
5. Status of the PDI Work and Issues Encountered Over The Past Few Weeks
6. Other Issues

Key Things to Consider/Discuss

1. Timing/Sequencing/Multiple Interrelated Work Flows
   a. PDI Sampling and Evaluation Report – critical path to other items and therefore critical to ensure that have cooperation and timely review during sampling and report phases
   b. Remedy Design/Development – discussion of integration of PDI data and process path forward
   c. Allocation/Post-Allocation Process
   d. RD/RA Negotiations and Consent Decree(s)
   e. Early Action Projects

2. Important/Critical Variables/Factors
   a. One versus multiple consent decrees

b. Sequencing (both among the different work flows noted above and physically – river/projects)
c. Status of Source Control
d. Federal PRPs

3. Process
a. How can we most effectively engage in a process to determine both what are the right next steps for the pre-RD process and what needs to be done in the interim so that all parties are ready to proceed with those next steps
b. Discussion of square pegs trying to fit into round holes – not "regular order" so how do we foster innovative solutions

Rich Gold | Holland & Knight
Practice Group Leader
Public Policy & Regulation Group
Holland & Knight LLP
800 17th Street N.W., Suite 1100 | Washington, DC 20006 Ex. (b)(6)
rich.gold@hklaw.com | www.hklaw.com
Add to address book | View professional biography

-----Original Message-----
From: Chancellor, Erin [mailto:chancellor.erin@epa.gov]
Sent: Tuesday, May 15, 2018 8:26 AM
To: Gold, Richard Ex. (b)(6) <rich.gold@hklaw.com>
Subject: Re: May 29

Still discussing with some people. Taking off for Denver, I'll give you a call when I land to give you the latest

Erin E. Chancellor

> On May 14, 2018, at 7:37 PM, "rich.gold@hklaw.com" <rich.gold@hklaw.com> wrote:
>
> Erin I'll have to you in the next day or two. Just confirming we're set for 29th at 1. Can you confirm EPA attendees?
>
> Rich Gold | Holland & Knight
> Practice Group Leader
> Public Policy & Regulation Group
> Holland & Knight LLP
> 800 17th Street N.W., Suite 1100 | Washington, DC
> 20006<x-apple-data-detectors://1/1>
> Ex. (b)(6)
> rich.gold@hklaw.com<mailto:rich.gold@hklaw.com> | @HK_PPR
> Add to address book<http://www.hklaw.com/vcard.aspx?user=Rgold> | View
> professional biography<http://www.hklaw.com/id77/biosRgold>
>
>
>
> On May 9, 2018, at 1:04 PM, Chancellor, Erin <chancellor.erin@epa.gov<mailto:chancellor.erin@epa.gov>> wrote:
>
> Perfect, thanks so much.
>
> Erin E. Chancellor
>
> -----Original Message-----
> From: rich.gold@hklaw.com<mailto:rich.gold@hklaw.com>
> [mailto:rich.gold@hklaw.com]
> Sent: Wednesday, May 9, 2018 12:59 PM
> To: Chancellor, Erin
> <chancellor.erin@epa.gov<mailto:chancellor.erin@epa.gov>>
> Subject: RE: May 29
>
> Will have to you by fri
>
> Rich Gold | Holland & Knight
> Practice Group Leader
> Public Policy & Regulation Group
> Holland & Knight LLP
> 800 17th Street N.W., Suite 1100 | Washington, DC 20006 T
> Ex. (b)(6)
> rich.gold@hklaw.com<mailto:rich.gold@hklaw.com> |
> www.hklaw.com<http://www.hklaw.com>

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>
> -----Original Message-----
> From: Chancellor, Erin [mailto:chancellor.erin@epa.gov]
> Sent: Wednesday, May 09, 2018 11:35 AM
> To: Gold, Richard [Ex. (b)(6)]
> <rich.gold@hklaw.com<mailto:rich.gold@hklaw.com>>
> Subject: RE: May 29
>
> Hi Rich,
>
> A few folks have requested a briefing sheet for what y'all want to cover at the meeting. Is that
something you can get me?
>
> Thanks,
>
> Erin E. Chancellor
>
> -----Original Message-----
> From: rich.gold@hklaw.com<mailto:rich.gold@hklaw.com>
> [mailto:rich.gold@hklaw.com]
> Sent: Thursday, May 3, 2018 7:41 PM
> To: Chancellor, Erin
> <chancellor.erin@epa.gov<mailto:chancellor.erin@epa.gov>>
> Subject: Re: May 29
>
> You betcha
>
> Rich Gold | Holland & Knight
> Practice Group Leader
> Public Policy & Regulation Group
> Holland & Knight LLP
> 800 17th Street N.W., Suite 1100 | Washington, DC
> 20006<x-apple-data-detectors://1/1>
> [Ex. (b)(6)]
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> professional biography<http://www.hklaw.com/id77/biosRgold>
>
>
>
> On May 3, 2018, at 7:39 PM, Chancellor, Erin
<chancellor.erin@epa.gov<mailto:chancellor.erin@epa.gov><mailto:chancellor.erin@epa.gov>> wrote:
>
> Thanks!
>
> Erin E. Chancellor
>
> On May 3, 2018, at 7:34 PM,
"rich.gold@hklaw.com<mailto:rich.gold@hklaw.com><mailto:rich.gold@hklaw.com>"
<rich.gold@hklaw.com<mailto:rich.gold@hklaw.com><mailto:rich.gold@hklaw.com>> wrote:
>
> Just sent. Kell told me drafted in HQ in Susan's shopped. Signed in
> Region
>
> Rich Gold | Holland & Knight
> Practice Group Leader
> Public Policy & Regulation Group
> Holland & Knight LLP
> 800 17th Street N.W., Suite 1100 | Washington, DC
> 20006<x-apple-data-detectors://1/1>
> [Ex. (b)(6)]
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> .com><mailto:rich.gold@hklaw.com> | @HK_PPR
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> Add to address book<http://www.hklaw.com/vcard.aspx?user=Rgold> | View
> professional biography<http://www.hklaw.com/id77/biosRgold>
>
>
>
> On May 3, 2018, at 6:11 PM, Chancellor, Erin
<chancellor.erin@epa.gov<mailto:chancellor.erin@epa.gov><mailto:chancellor.erin@epa.gov><mailto:chancello
r.erin@epa.gov>> wrote:

>
> Any chance you have easy access to the letter from Susan that was sent after the last meeting? If so, would you mind sending over? If not, I'll run it down.
>
> Erin E. Chancellor
> Counsel to the Administrator
> U.S. Environmental Protection Agency
>
> Ex. (b)(6)
>
> chancellor.erin@epa.gov<mailto:chancellor.erin@epa.gov><mailto:chancel
> lor.erin@epa.gov><mailto:chancellor.erin@epa.gov>
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Message

From: Chartan, Steve (Cruz) [Steve_Chartan@cruz.senate.gov]
Sent: 3/18/2019 7:15:12 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]

Hey Ryan - just tried you. Feel free to call when you get a chance, Ex. (b)(6)

Message

From: Starr, Richard [Richard_Starr@americanchemistry.com]
Sent: 5/8/2018 4:46:16 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Following up on your inquiry to Mike Walls

Ryan,

I just wanted to let you know I've reached out to you via phone but could not leave a message with your machine. I am available at Ex. (b)(6)

I'm available anytime after 2:00 PM.

Richard Starr | American Chemistry Council
Manager, Regulatory & Technical Affairs
richard_starr@americanchemistry.com
700 2nd Street, NE | Washington, DC | 20002
Ex. (b)(6)
www.americanchemistry.com

++++++++++++++++++++++++++++++ This message may contain confidential information and is intended only for the individual named. If you are not the named addressee do not disseminate, distribute or copy this email. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message which arise as a result of email transmission. American Chemistry Council, 700 – 2nd Street NE, Washington, DC 20002, www.americanchemistry.com

Message

From: Craig Monk [craigmonk@aircanopy.net]
Sent: 5/2/2018 9:00:44 PM
To: Lovingood, Christina [Lovingood.Tina@epa.gov]; Drzewiecki, Jenny [Drzewiecki.Jenny@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; elbaum.tia@epa.gov; stevens.rick@epa.gov
Subject: Evaluation of EPA's Controls Over Land Application of Sewage Sludge
Attachments: Evaluation of EPA's Controls Over Land Application of Sewage Sludge.pdf

Importance: High

EPA OIG,

On Project No. OPE-FY 17-0019 from 06/02/2017, when will you release the report?

Thank you,

Craig Monk

Message

From: Edward Calabrese [edwardc@schoolph.umass.edu]
Sent: 5/25/2018 5:03:07 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: supporting the EPA proposal

Dear Ryan:

Just to let you know, I submitted my public comments strongly supporting the EPA proposal in the Federal Register.

Sincerely,

Ed Calabrese

Message

From: Eilperin, Juliet [Juliet.Eilperin@washpost.com]
Sent: 5/15/2018 1:52:00 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Wilcox, Jahan [wilcox.jahan@epa.gov]; Dennis, Brady [Brady.Dennis@washpost.com]
Subject: Re: CCR EEI study

Thanks. When we asked the head of USWAG, he made no reference to this NERC study and simply said that there was no underlying study, and that his group did not provide any data to EPA. So we will take a look at this and circle back after reading these documents.

I think one of the key questions is whether the NERC study speaks to the issue of wastewater disposal (non-CCR waste) as opposed to CCR waste, since that's the provision to which EEI and EPA is addressing in citing this study.
Best,
Juliet

> On May 15, 2018, at 9:39 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>
> [EXTERNAL EMAIL]
>
> You are correct, the EEI summary is only a five page document. However, my understanding is that the NERC report is what the EEI summary is based on and also a part of the record. Apparently EEI used NERC to author it's summary document also referenced in the CCR record.
>
>
> -----Original Message-----
> From: Huggins, Richard
> Sent: Tuesday, May 15, 2018 8:39 AM
> To: Cook, Steven <cook.steven@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>
> Cc: Johnson, Barnes <Johnson.Barnes@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Mattick, Richard <Mattick.Richard@epa.gov>
> Subject: RE: Urgent request - CCR EEI study
>
> Steven here are the NERC reports that I believe you are looking for.
>
> 1. 2017 Summer Reliability Assessment published May 24, 2017
> This is what EEI used to complete their "executive summary"
> 2. 2017 Long-Term Reliability Assessment published March 1, 2018
> This is the new study that USWAG mentioned in the Friday meeting. EarthJusitce also attached this with their comments on the rule.
>
> Please let me know if you need anything else.
>
> Richard Huggins Jr.
> Senior Special Assistant
> Office of Resource Conservation and Recovery U.S. Environmental Protection Agency
> Ex. (b)(6)
> <2017 Summer Assessment.pdf>
> <NERC_LTRA_12132017_Final.pdf>
> <EEI Assessment of CCR Impacts on Electric Reliability Final_7_10_17 with....pdf>

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 10/24/2018 8:40:41 PM
To: Sara Decker [Sara.Decker@walmart.com]
CC: Bennett, Tate [Bennett.Tate@epa.gov]; Cook, Steven [cook.steven@epa.gov]; Wright, Peter [wright.peter@epa.gov]
Subject: Re: EXT: RE: Recycling summit - November?

Thank you.

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

On Oct 24, 2018, at 3:47 PM, Sara Decker <Sara.Decker@walmart.com> wrote:

> Hi Tate -
>
> Traveling currently but will be back in the office Friday and will work to give you a call about this.
>
> Kathleen's schedule won't work for the date but we are looking to see who else we can send. Talk soon!
>
> Sent from my iPhone
>
> On Oct 24, 2018, at 5:23 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>
>> Hey Sara! Wanted to circle back as promised as we are just now nailing down an agenda for the 15th. Either myself or Ms. Cheryl Coleman in OLEM will be in touch with you this week with the details. Thank you much! -Tate Ex. 6
>>
>> **From:** Sara Decker [mailto:Sara.Decker@walmart.com]
>> **Sent:** Friday, September 21, 2018 3:37 PM
>> **To:** Jackson, Ryan <jackson.ryan@epa.gov>
>> **Cc:** Bennett, Tate <Bennett.Tate@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Wright, Peter <wright.peter@epa.gov>
>> **Subject:** Re: Recycling summit - November?
>>
>> Great. Thanks!
>>
>> Tate/Steven/Peter – happy to chat at your convenience.

From: Ryan Jackson <jackson.ryan@epa.gov>
Date: Friday, September 21, 2018 at 3:30 PM
To: Sara Decker <Sara.Decker@walmart.com>
Cc: Tate Bennett <Bennett.Tate@epa.gov>, "Cook, Steven" <cook.steven@epa.gov>, "Wright, Peter" <wright.peter@epa.gov>
Subject: EXT: RE: Recycling summit - November?

Well, we do have some items working and plan to highlight recycling day in November. Tate, Peter, and Steven in our OLEM and outreach offices are the best contacts to get that information. I've cc'd them on this to be helpful on this. Eager to work with Walmart on this.

From: Sara Decker [mailto:Sara.Decker@walmart.com]
Sent: Friday, September 21, 2018 2:49 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Recycling summit - November?

Hi friend!

Hope you are well! Long time no talk!

Understand that you and Wheeler met with a few of my colleagues at G7 this week and mentioned a November summit on recycling that we may be interested in participating in. Do you have details you can share or, alternatively, who on your end can provide me with more information?

Either way, have a good weekend! I would say we should catch up soon but you seem like the busiest man on the planet…

S.

Sara Decker
Director, Federal Government Affairs
Walmart ✻ Save money. Live better.
Ex. 6
Sara.Decker@walmart.com

<image001.png>

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 7/1/2018 5:54:40 PM
To: Davenport, Coral [coral.davenport@nytimes.com]
CC: Wheeler, Andrew [wheeler.andrew@epa.gov]
Subject: Re: Wheeler -Jackson email exchange -- comment?

Seems like you already have your story written.

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

On Jun 30, 2018, at 10:05 PM, Davenport, Coral <coral.davenport@nytimes.com> wrote:

> Hi, Ryan,
> Here's the story about Andrew that ran after he was confirmed.
>
> https://www.nytimes.com/2018/04/12/climate/epa-pruitt-deputy-wheeler-confirmation.html
>
> Given the near-constant rumors that Pruitt may be fired or resign, we certainly think it is appropriate to prepare a piece to have ready to run, should that happen, about the man who is expected to become the acting administrator.
>
> And, respectfully, it is certainly appropriate to include public records --your emails -- between public officials --the two of you (granted, Andrew was not a public official at the time, but he was a nominee, and he is a public official now) -- which help illustrate who this person is.
>
> In this case, this exchange illustrates a couple of key points about Andrew: one is the fact that, in contrast to Pruitt, he is someone who is known to be able to work across the aisle, and who has the respect of key Democratic lawmakers. This exchange also illustrates that the two of you know each other well and have a good relationship, born in part of your years working for Inhofe. It's interesting and relevant to point out that that the Senator has a network of experienced and well-connected former staffers in high places on energy and environment in this administration. These emails illustrate that connection and friendship better than merely stating that fact ever could.
>
> These emails also contain the quip about money. That's interesting and relevant, too: it helps illustrate the point that a coal lobbyist probably needs to take a big pay cut in order to become a public servant.

Again, Ryan: it's certainly appropriate to provide this information, and public records, to the taxpayers whom you both serve.

We'd love to get your voices in this story, or, failing that, to speak on background.

Best,
Coral

On Sat, Jun 30, 2018 at 4:35 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

> I already provided a quote and contributed to a profile piece regarding Andrew when he was nominated and confirmed to be the deputy administrator. I don't remember ever seeing that piece in the paper.
>
> I don't believe this is appropriate at all.
>
> Thank you.
>
> Ryan.
>
> **From:** Davenport, Coral [mailto:coral.davenport@nytimes.com]
> **Sent:** Saturday, June 30, 2018 12:52 PM
> **To:** Wheeler, Andrew <wheeler.andrew@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
> **Subject:** Wheeler -Jackson email exchange -- comment?
>
> Hi, gentlemen,
>
> We're hearing fresh rumors that Pruitt may resign in the coming weeks. In order to be in position should that happen, I've put together a profile of Andrew, to run on the expectation that he will become acting administrator until someone else is nominated and confirmed.

The profile is on hold until and unless there's reason to run it, but it would be great to speak with one or both of you for this, on the understanding that the story will not run unless Pruitt steps down and Andrew moves into the acting position. If that never happens, the story never runs.

I can also assure you that should Pruitt step down we will immediately reach out to both of you for comment and insight into what happened and what's next, but any insight you could offer on that beforehand, even if on background, would be most welcome.

In the meantime, I wanted to see if either or both of you could comment on this email exchange, which will be included in the Wheeler profile should be become acting. I'm reachable all weekend by email or cell: Ex. 6

Best,

Coral

After his November confirmation hearing, Mr. Wheeler emailed Mr. Jackson, "Everyone seemed to think I did a really good job, including Inhofe, capito and Mr. Murray. Carper and Cardin both said really nice things about me," he added, referring to Democratic Senators Thomas Carper of Delaware and Ben Cardin of Maryland, both of whom are advocates of strong environmental regulations.

In response to Mr. Wheeler's email, Mr. Jackson responded, "You're golden. It's why we pursued this. One of the many reasons. This will be good." Then, he quipped, "Glad you hate making money" — an apparent reference to the pay cut Mr. Wheeler would take in leaving a job lobbying for the coal industry for a job in public service.

Mr. Wheeler wrote back, "I really really like money. Recent evidence to the contrary."

--

Coral Davenport

Energy and Environment Correspondent

The New York Times

Washington Bureau

1627 I St. NW, Suite 700

Washington, DC 20006

coral.davenport@nytimes.com

Ex. 6

Twitter @CoralMDavenport

--

Coral Davenport
Energy and Environment Correspondent
The New York Times
Washington Bureau
1627 I St. NW, Suite 700
Washington, DC 20006
coral.davenport@nytimes.com
Ex. 6
Twitter @CoralMDavenport

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/15/2018 8:59:42 PM
To: Ex. 6 Lyons, Troy [lyons.troy@epa.gov]; Palich, Christian [palich.christian@epa.gov]
Subject: FW: in anticipation of Peter Wright's confirmation hearing
Attachments: Peter Wright draft recusal before stock sale v2.docx; Peter Wright draft recusal after stock sale v2.docx; Dow Dupont NPL sites with Listing Date - as of 2_20_2018.xlsx; Dow Dupont non NPL or deleted sites - as of 2_20_2018.xlsx

Ex. 5 - Deliberative Process

Ryan.

From: Fugh, Justina
Sent: Friday, June 15, 2018 4:08 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: in anticipation of Peter Wright's confirmation hearing

Hi there,
Last week, you asked me to prepare a draft recusal statement for Peter Wright in anticipation of his upcoming confirmation hearing. I spoke to Mr. Wright today and learned that he will be meeting with OCIR and others on Monday and Tuesday of next week. Since I may not be in the office on Monday, I am sending you all this material just to get you started. OSRE does not anticipate that its lists (sent to me in February) have any updates, but they are double-checking to be sure. I'll have a final answer on Monday.

Allow me to decode what I'm sending you:

- Mr. Wright owns DowDuPont stock that he has agreed to divest. But the Office of Government Ethics (OGE) and EPA Ethics have advised him not to sell the stock until *after* he is an EPA employee. Once that happens, EPA Ethics can seek a certificate of divestiture (CD) from OGE so that he can defer any capital gains. But we can't seek a CD until he starts as an EPA employee.
- Consequently, I have written two recusals. The first can be issued as soon as he joins EPA (in whatever capacity) and reflects his financial ownership. The second is what he can issue after he sells the stock under the CD.
- I have also attached OSRE's lists of DowDuPont superfund sites. The first is all of the NPL sites, organized by Region. The first two letters of the EPA ID are the state where the site is located, and F = listed on the NPL while P = proposed. The second chart is a list of non-NPL or deleted sites.

Finally, Mr. Wright asked for assistance in drafting an answer to whether he would be permitted to work on registering PFAS as a hazardous chemical. I'll ask my staff to work with me on framing an answer for next week. In the meantime, he wonders if I can meet with him on Tuesday, so I'll send a note to Christian to see if he can help me with that.

Happy Friday!
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

2/20/2018

Total Proposed & Final NPL Sites (Non Fed Facility)	1238	
Proposed	52	
Final	1186	
		% of Total Proposed, Final NPL Sites (1238)
Dow and Dupont Proposed & Final NPL Sites	170	14%
Non-NPL, Deleted *	128	

* 43 sites Deleted from the NPL.

Region	Site Name	EPA ID	NPL	Listing Year	Party Name/Affiliate
01	BEACON HEIGHTS LANDFILL	CTD072122062	F	1983	Dow/DuPont
01	BURGESS BROTHERS LANDFILL	VTD003965415	F	1989	DOW
01	DAVIS LIQUID WASTE	RID980523070	F	1983	DOW
01	GALLUP'S QUARRY	CTD108960972	F	1989	DOW
01	KEEFE ENVIRONMENTAL SERVICES (KES)	NHD092059112	F	1983	DuPont
01	OLD SOUTHINGTON LANDFILL	CTD980670806	F	1984	DuPont
01	OTTATI & GOSS/KINGSTON STEEL DRUM	NHD990717647	F	1983	Dow/DuPont
01	PETERSON/PURITAN, INC.	RID055176283	F	1983	DOW
01	PICILLO FARM	RID980579056	F	1983	Dow/DuPont
01	RE-SOLVE, INC.	MAD980520621	F	1983	Dow/DuPont
01	SILRESIM CHEMICAL CORP.	MAD000192393	F	1983	Dow/DuPont
01	SOLVENTS RECOVERY SERVICE OF NEW ENGLAND	CTD009717604	F	1983	DuPont
01	SUTTON BROOK DISPOSAL AREA	MAD980520696	F	2001	DuPont
02	ATLANTIC RESOURCES	NJD981558430	F	2002	DOW
02	BRIDGEPORT RENTAL & OIL SERVICES	NJD053292652	F	1983	Dow/DuPont
02	BYRON BARREL & DRUM	NYD980780670	F	1986	Dow/DuPont
02	CALDWELL TRUCKING CO.	NJD048798953	F	1983	DuPont
02	CHEMICAL CONTROL	NJD000607481	F	1983	Dow/DuPont
02	CHEMSOL, INC.	NJD980528889	F	1983	Dow/DuPont
02	COMBE FILL SOUTH LANDFILL	NJD094966611	F	1983	DOW
02	CORTESE LANDFILL	NYD980528475	F	1986	DuPont
02	D'IMPERIO PROPERTY	NJD980529416	F	1983	DOW
02	DIAMOND ALKALI CO.	NJD980528996	F	1984	DuPont
02	EWAN PROPERTY	NJD980761365	F	1984	DOW
02	FULTON TERMINALS	NYD980593099	F	1983	DuPont
02	GEMS LANDFILL	NJD980529192	F	1983	Dow/DuPont
02	HERCULES, INC. (GIBBSTOWN PLANT)	NJD002349058	F	1983	DuPont
02	HORSESHOE ROAD	NJD980663678	F	1995	DOW
02	KIN-BUC LANDFILL	NJD049860836	F	1983	Dow/DuPont
02	KING OF PRUSSIA	NJD980505341	F	1983	DuPont
02	LANG PROPERTY	NJD980505382	F	1983	DuPont
02	LCP CHEMICALS INC.	NJD079303020	F	1998	DOW
02	LIGHTMAN DRUM COMPANY	NJD014743678	F	1999	DOW
02	LIPARI LANDFILL	NJD980505416	F	1983	Dow/DuPont
02	LONE PINE LANDFILL	NJD980505424	F	1983	Dow/DuPont
02	MARTIN AARON, INC.	NJD014623854	F	1999	Dow/DuPont
02	MERCURY REFINING, INC.	NYD048148175	F	1983	Dow/DuPont
02	NASCOLITE CORP.	NJD002362705	F	1984	DuPont
02	PJP LANDFILL	NJD980505648	F	1983	Dow/DuPont
02	POLLUTION ABATEMENT SERVICES	NYD000511659	F	1983	Dow/DuPont
02	PRICE LANDFILL	NJD070281175	F	1983	Dow/DuPont
02	REICH FARMS	NJD980529713	F	1983	DOW
02	SARNEY FARM	NYD980535165	F	1986	DOW
02	SCIENTIFIC CHEMICAL PROCESSING	NJD070565403	F	1983	Dow/DuPont
02	SWOPE OIL & CHEMICAL CO.	NJD041743220	F	1983	Dow/DuPont
02	TRI-CITIES BARREL CO., INC.	NYD980509285	F	1989	DuPont
02	VENTRON/VELSICOL	NJD980529879	F	1984	Dow/DuPont
02	VOLNEY MUNICIPAL LANDFILL	NYD980509376	F	1986	DuPont
02	WOODLAND ROUTE 532 DUMP	NJD980505887	F	1984	DOW
02	WOODLAND ROUTE 72 DUMP	NJD980505879	F	1984	DOW
03	ARMY CREEK LANDFILL	DED980494496	F	1983	DuPont
03	BELL LANDFILL	PAD980705107	F	1989	DuPont
03	BRESLUBE-PENN, INC.	PAD089667695	F	1996	DuPont
03	CENTRAL CHEMICAL (HAGERSTOWN)	MDD003061447	F	1997	Dow/DuPont
03	CROYDON TCE	PAD981035009	F	1986	DOW
03	DELAWARE SAND & GRAVEL LANDFILL	DED000605972	F	1983	DuPont
03	DOUGLASSVILLE DISPOSAL	PAD002384865	F	1983	Dow/DuPont
03	E.I. DU PONT DE NEMOURS & CO., INC. (NEWPORT PIGMENT PLANT LANDFILL)	DED980555122	F	1990	DuPont
03	FIKE CHEMICAL, INC.	WVD047989207	F	1983	Dow/DuPont
03	GREENWOOD CHEMICAL CO.	VAD003125374	F	1987	DOW
03	HARVEY & KNOTT DRUM, INC.	DED980713093	F	1983	DuPont
03	JACKS CREEK/SITKIN SMELTING & REFINING, INC.	PAD980829493	F	1989	Dow/DuPont
03	KOPPERS CO., INC. (NEWPORT PLANT)	DED980552244	F	1990	DuPont
03	LOWER DARBY CREEK AREA	PASFN0305521	F	2001	Dow/DuPont
03	METRO CONTAINER CORPORATION	PAD044545895	F	2012	Dow/DuPont
03	OLD WILMINGTON ROAD GW CONTAMINATION	PAD981938939	F	2000	DuPont
03	ORDNANCE WORKS DISPOSAL AREAS	WVD000850404	F	1986	DuPont
03	SAND, GRAVEL AND STONE	MDD980705164	F	1983	Dow/DuPont
03	SPECTRON, INC.	MDD000218008	F	1994	Dow/DuPont
03	STRASBURG LANDFILL	PAD000441337	F	1989	DuPont
03	TONOLLI CORP.	PAD073613663	F	1989	DuPont
03	TYBOUTS CORNER LANDFILL	DED000606079	F	1983	DuPont
03	WHITMOYER LABORATORIES	PAD003005014	F	1986	DOW
03	WILLIAM DICK LAGOONS	PAD980537773	F	1987	DOW
04	ABERDEEN PESTICIDE DUMPS	NCD980843346	F	1989	Dow/DuPont
04	ALTERNATE ENERGY RESOURCES INC	GAD033582461	F	2006	DuPont
04	AQUA-TECH ENVIRONMENTAL INC (GROCE LABS)	SCD058754789	F	1994	Dow/DuPont
04	BYPASS 601 GROUND WATER CONTAMINATION	NCD044440303	F	1986	DuPont
04	CAROLAWN, INC.	SCD980558316	F	1983	DOW
04	CHARLES MACON LAGOON AND DRUM STORAGE	NCD980840409	F	1987	DuPont
04	CITY INDUSTRIES, INC.	FLD055945653	F	1989	DOW
04	DISTLER BRICKYARD	KYD980602155	F	1983	Dow/DuPont
04	DISTLER FARM	KYD980601975	F	1983	DOW
04	INTERSTATE LEAD CO. (ILCO)	ALD041906173	F	1986	DOW
04	JADCO-HUGHES FACILITY	NCD980729602	F	1986	Dow/DuPont
04	LEONARD CHEMICAL CO., INC.	SCD991279324	F	1984	DOW
04	MAXEY FLATS NUCLEAR DISPOSAL	KYD980729107	F	1986	Dow/DuPont
04	MEDLEY FARM DRUM DUMP	SCD980558142	F	1989	DOW
04	PEAK OIL CO./BAY DRUM CO.	FLD004091807	F	1986	DOW
04	RED PANTHER CHEMICAL COMPANY	MSD000272385	F	2011	Dow/DuPont
04	SCRDI BLUFF ROAD	SCD000622787	F	1983	DOW
04	SMITH'S FARM	KYD097267413	F	1986	Dow/DuPont
04	SYDNEY MINE SLUDGE PONDS	FLD000648055	F	1989	DOW
04	TRI-CITY DISPOSAL CO.	KYD981028350	F	1989	DOW
04	WARD TRANSFORMER	NCD003202603	F	2003	DOW
04	ZELLWOOD GROUND WATER CONTAMINATION	FLD049985302	F	1983	DuPont
05	ACME SOLVENT RECLAIMING, INC. (MORRISTOWN PLANT)	ILD053219259	F	1983	DuPont
05	AMERICAN CHEMICAL SERVICE, INC.	IND016360265	F	1984	Dow/DuPont
05	ARROWHEAD REFINERY CO.	MND980823975	F	1984	DOW
05	AUTO ION CHEMICALS, INC.	MID980794382	F	1983	DuPont
05	BOFORS NOBEL, INC.	MID006030373	F	1989	Dow/DuPont
05	BYRON SALVAGE YARD	ILD010236230	F	1983	DuPont
05	CHEM-DYNE	OHD074727793	F	1983	Dow/DuPont
05	CROSS BROTHERS PAIL RECYCLING (PEMBROKE)	ILD980792303	F	1983	DuPont
05	E.H. SCHILLING LANDFILL	OHD980509947	F	1983	DOW
05	ENVIROCHEM CORP.	IND084259951	F	1983	DOW
05	FIELDS BROOK	OHD980614572	F	1983	DOW
05	FOREST WASTE PRODUCTS	MID980410740	F	1983	DOW
05	FULTZ LANDFILL	OHD980794630	F	1983	DOW
05	G&H LANDFILL	MID980410823	F	1983	DOW
05	GARY DEVELOPMENT LANDFILL	IND077005916	F	2011	Dow/DuPont
05	H.O.D. LANDFILL	ILD980605836	F	1990	DOW
05	IONIA CITY LANDFILL	MID980794416	F	1983	DOW
05	JANESVILLE ASH BEDS	WID000712950	F	1984	DuPont
05	LAKE CALUMET CLUSTER	ILD000716852	F	2010	Dow/DuPont
05	LAMMERS BARREL FACTORY	OHD981537582	F	2003	DuPont
05	LENZ OIL SERVICE, INC.	ILD005451711	F	1989	DuPont
05	LIQUID DISPOSAL, INC.	MID067340711	F	1983	Dow/DuPont
05	METAMORA LANDFILL	MID980506562	F	1984	Dow/DuPont
05	NEW LYME LANDFILL	OHD980794614	F	1983	DOW
05	NINTH AVENUE DUMP	IND980794432	F	1983	Dow/DuPont
05	NORTHSIDE SANITARY LANDFILL, INC	IND050530872	F	1984	DOW
05	ORGANIC CHEMICALS, INC.	MID990858003	F	1983	Dow/DuPont
05	PETERS CARTRIDGE FACTORY	OHD987051083	F	2012	DuPont
05	PRISTINE, INC.	OHD076773712	F	1983	DOW
05	SEYMOUR RECYCLING CORP.	IND040313017	F	1983	DOW
05	SKINNER LANDFILL	OHD063963714	F	1983	Dow/DuPont
05	SUMMIT NATIONAL	OHD980609994	F	1983	Dow/DuPont
05	THERMO-CHEM, INC.	MID044567162	F	1986	DuPont
05	U.S. SMELTER AND LEAD REFINERY, INC.	IND047030226	F	2009	DuPont
05	VERONA WELL FIELD	MID980793806	F	1983	DuPont
05	SAUGET AREA 2	ILD000605790	P	2001	DOW
06	CEDAR CHEMICAL CORPORATION	ARD990660649	F	2012	DuPont
06	COMBUSTION, INC.	LAD072606627	F	1990	DOW
06	FRENCH, LTD.	TXD980514814	F	1983	Dow/DuPont
06	GULFCO MARINE MAINTENANCE	TXD055144539	F	2003	DOW
06	HARDAGE/CRINER	OKD000400093	F	1983	Dow/DuPont
06	MALONE SERVICE CO - SWAN LAKE PLANT	TXD980864789	F	2001	Dow/DuPont
06	MANY DIVERSIFIED INTERESTS, INC.	TXD008083404	F	1999	DOW
06	MOTCO, INC.	TXD980629851	F	1983	Dow/DuPont
06	PATRICK BAYOU	TX0000605329	F	2002	DOW
06	PETRO-CHEMICAL SYSTEMS, INC. (TURTLE BAYOU)	TXD980873350	F	1986	DOW
06	PETRO-PROCESSORS OF LOUISIANA, INC.	LAD057482713	F	1984	Dow/DuPont
06	SHERIDAN DISPOSAL SERVICES	TXD062132147	F	1989	Dow/DuPont
06	SIKES DISPOSAL PITS	TXD980513956	F	1983	DOW
06	TEX-TIN CORP.	TXD062113329	F	1998	Dow/DuPont
06	US OIL RECOVERY	TXN000607093	F	2012	DOW
06	VERTAC, INC.	ARD000023440	F	1983	DOW
06	DEVIL'S SWAMP LAKE	LAD981155872	P	2004	DOW
07	CHEROKEE COUNTY	KSD980741862	F	1983	DuPont
07	LAWRENCE TODTZ FARM	IAD000606038	F	1986	DuPont
07	MISSOURI ELECTRIC WORKS	MOD980965982	F	1990	Dow/DuPont
07	NEBRASKA ORDNANCE PLANT (FORMER)	NE6211890011	F	1990	DOW
07	ORONOGO-DUENWEG MINING BELT	MOD980686281	F	1990	DuPont
08	LOWRY LANDFILL	COD980499248	F	1984	Dow/DuPont
08	MYSTERY BRIDGE RD/U.S. HIGHWAY 20	WYD981546005	F	1990	DOW
08	RICHARDSON FLAT TAILINGS	UTD980952840	P	1992	DuPont
09	CASMALIA RESOURCES	CAD020748125	F	2001	Dow/DuPont
09	DELAMO	CAD029544731	F	2002	DOW
09	DEL MONTE CORP. (OAHU PLANTATION)	HID980637631	F	1994	DOW
09	FAIRCHILD SEMICONDUCTOR CORP. (MOUNTAIN VIEW PLANT)	CAD095989778	F	1991	DOW
09	HASSAYAMPA LANDFILL	AZD980735666	F	1987	DOW
09	INDUSTRIAL WASTE PROCESSING	CAD980736284	F	1990	DOW
09	LORENTZ BARREL & DRUM CO.	CAD029295706	F	1989	Dow/DuPont
09	OMEGA CHEMICAL CORPORATION	CAD042245001	F	1999	Dow/DuPont
09	OPERATING INDUSTRIES, INC., LANDFILL	CAT080012024	F	1986	Dow/DuPont
09	PURITY OIL SALES, INC.	CAD980736151	F	1983	DOW
10	PORTLAND HARBOR	ORSFN1002155	F	2000	DOW
10	WESTERN PROCESSING CO., INC.	WAD009487513	F	1983	DOW
10	BLACKBIRD MINE	IDD980725832	P	1993	DOW

Region	Site Name	EPA ID	NPL	Status
01	SEAWAY BOAT	MED982547960	N	DOW
02	BARCELONETA LANDFILL	PRD980509129	D	DOW/DuPont
02	BAYONNE DRUM & BARREL CO	NJD009871401	N	DuPont
02	CLOTHIER DISPOSAL	NYD000511576	D	DuPont
02	DUPONT /NECCO PARK	NYD980532162	N	DuPont
02	ENRX. INC.	NYD175762616	N	DOW/DuPont
02	ENVIROTEK	NYD021744537	N	DOW
02	HOPKINS FARM	NJD980532840	D	DOW
02	MORGAN ORDINANCE DEPOT(AKATA/GILLESIPIE	NJD986652519	N	DuPont
02	NEWBURGH LANDFILL	NYD980534846	N	DuPont
02	NIAGARA COUNTY REFUSE	NYD000514257	D	DuPont
02	PFOHL BROTHERS LANDFILL	NYD980507495	D	DuPont
02	PIONEER SMELTING CO INC	NJD014786982	N	DuPont
02	PORT REFINERY	NYD986954048	N	DuPont
02	PULVERIZING SERVICES	NJD980582142	N	DOW/DuPont
02	RENORA, INC.	NJD070415005	D	DuPont
02	SAYREVILLE LANDFILL	NJD980505754	D	DOW
02	TABERNACLE DRUM DUMP	NJD980761357	D	DOW/DuPont
02	WARWICK LANDFILL	NYD980506679	D	DOW
02	WIDE BEACH DEVELOPMENT	NYD980652259	D	DOW/DuPont
03	AMCHEM PROD INC	PAD002348324	N	DOW
03	BAHN WAREHOUSE	PAD987277977	N	DuPont
03	DIXIE CAVERNS COUNTY LANDFILL	VAD980552095	D	DOW
03	DUPONT EXPLOSIVES	PAD981939325	N	DuPont
03	EAST COAST TRAILER SALES	PA0000634659	N	DuPont
03	KENT COUNTY LANDFILL (HOUSTON)	DED980705727	W	DuPont
03	METCOA	PAD080719446	N	DOW/DuPont
03	MOYERS LANDFILL	PAD980508766	D	DOW
03	NEW CASTLE ABANDONED CONTAINER SITE	DED981736440	N	DuPont
03	ROHM AND HAAS CO. LANDFILL	PAD091637975	R	DOW
03	SEAFORD-ARBUTUS WELL FIELD	DED984075523	N	DuPont
03	SPELTER ZINC PLANT	WV0000634584	N	DuPont
03	WADE (ABM)	PAD980539407	D	DOW/DuPont
03	WELCOME JOY	WVD980693477	N	DOW
03	WILDCAT LANDFILL	DED980704951	D	DuPont
04	A.L. TAYLOR (VALLEY OF DRUMS)	KYD980500961	D	DOW
04	BAY DRUM	FLD088783865	A	DuPont
04	BIOLOGICAL PROCESSORS OF ALABAMA	ALR000037929	N	DOW
04	CALDWELL SYSTEMS INC	NCD086871282	N	DuPont
04	CAROLINA STEEL DRUM CORP	SCD980559926	N	DuPont
04	CHEM SPRAY	FLD981020514	N	DuPont
04	DIXIE BARREL & DRUM COMPANY	TND034692632	N	DOW
04	DOCKERY PROPERTY	NCD980840342	A	DOW/DuPont
04	ELLIS ROAD/AMERICAN ELECTRIC CORP.	FLD981931827	N	DuPont
04	HOWE VALLEY LANDFILL	KYD980501191	D	DOW
04	LEE'S LANE LANDFILL	KYD980557052	D	DOW/DuPont

04	LWD INC	KYD088438817	N	DuPont
04	MCCLUSKEY'S FARM	GAD980729339	N	DuPont
04	MURPHY AVE DRUM SITE	GA0001913185	N	DOW
04	SEVEN OUT LLC TANK	GAN000407811	N	DuPont
04	US STEEL AGRICHEM/OLD BLUE CHEMICAL	SCD987591948	N	DOW
04	YELLOW WATER ROAD	FLD980844179	D	DuPont
05	AUTOMATIC CONTAINERS INCORPORATED	OHD980611321	N	DuPont
05	B & E LANDFILL	OHD980794648	N	DuPont
05	BERLIN & FARRO	MID000605717	D	DOW/DuPont
05	BOERKE	WID981189632	N	DuPont
05	BOHATY DRUMS	OHD987033743	N	DOW
05	BOWERS LANDFILL	OHD980509616	D	DuPont
05	CADIE AUTO SALVAGE	ILN000510522	N	DOW/DuPont
05	CALUMET CONTAINER	IND980500193	N	DOW/DuPont
05	CHEMICAL RECOVERY	OHD057001810	N	DOW/DuPont
05	CLAYTON CHEM CO	ILD066918327	N	DOW
05	CLIFF/DOW DUMP	MID980608970	D	DOW
05	COMMERCIAL OIL SERVICE INCORPORATION	OHD000816843	N	DOW
05	CONSERVATION CHEMICAL COMPANY	IND040888992	N	DOW/DuPont
05	DOW CHEM CO MICHIGAN DIV MIDLAND LOC	MID000724724	N	DOW
05	GRANVILLE SOLVENTS INC	OHD004495412	N	DuPont
05	GREAT LAKES PAVING/ASPHALT	IND980990816	N	DOW
05	GREINER'S LAGOONS	OHD980794622	N	DuPont
05	KINGS MILLS LEAD SITE	OHN000508990	N	DuPont
05	LASKIN/POPLAR OIL CO.	OHD061722211	D	DOW
05	MASTER METALS INCORPORATION	OHD097613871	N	DuPont
05	MOBILE TANK CAR SERVICE	OHD000720227	N	DOW/DuPont
05	NORTHWESTERN BARREL	WID981095995	N	DuPont
05	SPRINGVILLE MARSH	OHN000510507	N	DOW
05	STERLING MORTON HIGH SCHOOL	ILN000509091	N	DuPont
05	STICKNEY AVENUE LANDFILL AKA TOLEDO CITY LANDFILL	OHD000605956	N	DuPont
05	THIRD SITE	IND984876177	A	DOW
05	THOMAS SOLVENT COMPANY	MID039993902	N	DuPont
05	TITTABAWASSEE RIVER, SAGINAW RIVER & BAY	MID980994354	N	DOW
05	UNION CARBIDE CORPORATION SITE B LANDFILL	OHD980612147	N	DOW
05	US SCRAP	ILD980679484	N	DuPont
06	ARCHEM COMPANY, INC.	TXD042544270	N	DuPont
06	ARKANSAS WASTE-TO-ENERGY	ARD982286957	N	DuPont
06	BAILEY WASTE DISPOSAL	TXD980864649	D	DOW/DuPont
06	BAYOU SORREL	LAD980745541	D	DOW
06	BIO-ECOLOGY SYSTEMS, INC.	TXD980340889	D	DOW/DuPont
06	BRIO REFINING, INC.	TXD980625453	D	DOW
06	COMPASS INDUSTRIES (AVERY DRIVE)	OKD980620983	D	DOW/DuPont
06	D.L. MUD, INC.	LAD981058019	D	DOW
06	DIXIE OIL PROCESSORS, INC.	TXD089793046	D	DOW
06	GULF COAST VACUUM SERVICES	LAD980750137	D	DOW/DuPont
06	GULF NUCLEAR	TX0000605258	N	DOW/DuPont

06	GULF NUCLEAR - TAVENOR SITE	TXN000605455	N	DOW/DuPont
06	HARRIS (FARLEY STREET)	TXD980745582	D	DOW
06	HILLSDALE DRUMS	LAD985214766	N	DuPont
06	MARCO OF IOTA	LAD980624514	N	DuPont
06	MOSLEY ROAD SANITARY LANDFILL	OKD980620868	D	DOW
06	ODESSA DRUM COMPANY INC	TXD008012254	N	DOW/DuPont
06	PAB OIL & CHEMICAL SERVICE, INC.	LAD980749139	D	DOW
06	PALMER BARGE LINE	TXD068104561	D	DuPont
06	PESSES CHEMICAL CO.	TXD980699656	D	DOW/DuPont
06	PORT NECHES PIPELINE FIRE	TXN000606841	N	DOW
06	ROGERS ROAD MUNICIPAL LANDFILL	ARD981055809	D	DOW
06	SAND SPRINGS PETROCHEMICAL COMPLEX	OKD980748446	D	DuPont
06	SOUTH 8TH STREET LANDFILL	ARD980496723	D	DuPont
06	STATE MARINE OF PORT ARTHUR	TXD099801102	D	DuPont
06	WEBSTER - GULF NUCLEAR	TX0000605420	N	DOW/DuPont
07	CONTAINER RECYCLING, INC - KANSAS CITY	KSD065764995	N	DuPont
07	DU PONT, E I DE NEMOURS & CO -FT MADISON	IAD005272398	A	DuPont
07	E.I. DU PONT DE NEMOURS & CO., INC. (COUNTY ROAD X23)	IAD980685804	D	DuPont
07	FINDETT CORP.	MOD006333975	R	DOW/DuPont
07	GREAT LAKES CONTAINER CORP - ST LOUIS	MOD086827359	N	DuPont
07	OSAGE METAL COMPANY	KSD031295660	N	DuPont
07	PCB INC - KANSAS	KSD980963565	N	DuPont
07	PCB INC - MISSOURI	MOD063670350	N	DuPont
07	RED OAK CITY LANDFILL	IAD980632509	D	DOW
08	COLORADO SCHOOL OF MINES RI/CREEKSIDE	COD000823401	N	DOW
08	HANSEN CONTAINERS	COD081469801	N	DOW
08	MOLINE STREET PCBS	COD030446637	N	DOW
08	PETROCHEM RECYCLING CORP./EKOTEK PLANT	UTD093119196	D	DuPont
08	RAMP INDUST INC	COD980718985	N	DOW
08	ROCKY FLATS INDUSTRIAL PARK (THORO - AERRCO - GWI)	COD980807374	S	DOW
08	TREASURE MOUNTAIN MIDDLE SCHOOL	UTN000802495	N	DuPont
08	TWINS INN	CO0001101476	N	DOW
08	WOODBURY CHEMICAL CO.	COD980667075	D	DOW
09	GENERAL DSPL CO	CAD980735856	N	DOW/DuPont
09	RIO TINTO COPPER MINE	NV3141190030	N	DuPont

2/20/2018

Total Proposed & Final NPL Sites (Non Fed Facility)	1238	
Proposed	52	
Final	1186	
		% of Total Proposed, Final NPL Sites (1238)
Dow and Dupont Proposed & Final NPL Sites	170	14%
Non-NPL, Deleted *	128	

* 43 sites Deleted from the NPL.

Region	Site Name	EPA ID	NPL	Listing Year	Party Name/Affiliate
01	BEACON HEIGHTS LANDFILL	CTD072122062	F	1983	Dow/DuPont
01	BURGESS BROTHERS LANDFILL	VTD003965415	F	1989	DOW
01	DAVIS LIQUID WASTE	RID980523070	F	1983	DOW
01	GALLUP'S QUARRY	CTD108960972	F	1989	DOW
01	KEEFE ENVIRONMENTAL SERVICES (KES)	NHD092059112	F	1983	DuPont
01	OLD SOUTHINGTON LANDFILL	CTD980670806	F	1984	DuPont
01	OTTATI & GOSS/KINGSTON STEEL DRUM	NHD990717647	F	1983	Dow/DuPont
01	PETERSON/PURITAN, INC.	RID055176283	F	1983	DOW
01	PICILLO FARM	RID980579056	F	1983	Dow/DuPont
01	RE-SOLVE, INC.	MAD980520621	F	1983	Dow/DuPont
01	SILRESIM CHEMICAL CORP.	MAD000192393	F	1983	Dow/DuPont
01	SOLVENTS RECOVERY SERVICE OF NEW ENGLAND	CTD009717604	F	1983	DuPont
01	SUTTON BROOK DISPOSAL AREA	MAD980520696	F	2001	DuPont
02	ATLANTIC RESOURCES	NJD981558430	F	2002	DOW
02	BRIDGEPORT RENTAL & OIL SERVICES	NJD053292652	F	1983	Dow/DuPont
02	BYRON BARREL & DRUM	NYD980780670	F	1986	Dow/DuPont
02	CALDWELL TRUCKING CO.	NJD048798953	F	1983	DuPont
02	CHEMICAL CONTROL	NJD000607481	F	1983	Dow/DuPont
02	CHEMSOL, INC.	NJD980528889	F	1983	Dow/DuPont
02	COMBE FILL SOUTH LANDFILL	NJD094966611	F	1983	DOW
02	CORTESE LANDFILL	NYD980528475	F	1986	DuPont
02	D'IMPERIO PROPERTY	NJD980529416	F	1983	DOW
02	DIAMOND ALKALI CO.	NJD980528996	F	1984	DuPont
02	EWAN PROPERTY	NJD980761365	F	1984	DOW
02	FULTON TERMINALS	NYD980593099	F	1983	DuPont
02	GEMS LANDFILL	NJD980529192	F	1983	Dow/DuPont
02	HERCULES, INC. (GIBBSTOWN PLANT)	NJD002349058	F	1983	DuPont
02	HORSESHOE ROAD	NJD980663678	F	1995	DOW
02	KIN-BUC LANDFILL	NJD049860836	F	1983	Dow/DuPont
02	KING OF PRUSSIA	NJD980505341	F	1983	DuPont
02	LANG PROPERTY	NJD980505382	F	1983	DuPont
02	LCP CHEMICALS INC.	NJD079303020	F	1998	DOW
02	LIGHTMAN DRUM COMPANY	NJD014743678	F	1999	DOW
02	LIPARI LANDFILL	NJD980505416	F	1983	Dow/DuPont
02	LONE PINE LANDFILL	NJD980505424	F	1983	Dow/DuPont
02	MARTIN AARON, INC.	NJD014623854	F	1999	Dow/DuPont
02	MERCURY REFINING, INC.	NYD048148175	F	1983	Dow/DuPont
02	NASCOLITE CORP.	NJD002362705	F	1984	DuPont
02	PJP LANDFILL	NJD980505648	F	1983	Dow/DuPont
02	POLLUTION ABATEMENT SERVICES	NYD000511659	F	1983	Dow/DuPont
02	PRICE LANDFILL	NJD070281175	F	1983	Dow/DuPont
02	REICH FARMS	NJD980529713	F	1983	DOW
02	SARNEY FARM	NYD980535165	F	1986	DOW
02	SCIENTIFIC CHEMICAL PROCESSING	NJD070565403	F	1983	Dow/DuPont
02	SWOPE OIL & CHEMICAL CO.	NJD041743220	F	1983	Dow/DuPont
02	TRI-CITIES BARREL CO., INC.	NYD980509285	F	1989	DuPont
02	VENTRON/VELSICOL	NJD980529879	F	1984	Dow/DuPont
02	VOLNEY MUNICIPAL LANDFILL	NYD980509376	F	1986	DuPont
02	WOODLAND ROUTE 532 DUMP	NJD980505887	F	1984	DOW
02	WOODLAND ROUTE 72 DUMP	NJD980505879	F	1984	DOW
03	ARMY CREEK LANDFILL	DED980494496	F	1983	DuPont
03	BELL LANDFILL	PAD980705107	F	1989	DuPont
03	BRESLUBE-PENN, INC.	PAD089667695	F	1996	DuPont
03	CENTRAL CHEMICAL (HAGERSTOWN)	MDD003061447	F	1997	Dow/DuPont
03	CROYDON TCE	PAD981035009	F	1986	DOW
03	DELAWARE SAND & GRAVEL LANDFILL	DED000605972	F	1983	DuPont
03	DOUGLASSVILLE DISPOSAL	PAD002384865	F	1983	Dow/DuPont
03	E.I. DU PONT DE NEMOURS & CO., INC. (NEWPORT PIGMENT PLANT LANDFILL)	DED980555122	F	1990	DuPont
03	FIKE CHEMICAL, INC.	WVD047989207	F	1983	Dow/DuPont
03	GREENWOOD CHEMICAL CO.	VAD003125374	F	1987	DOW
03	HARVEY & KNOTT DRUM, INC.	DED980713093	F	1983	DuPont
03	JACKS CREEK/SITKIN SMELTING & REFINING, INC.	PAD980829493	F	1989	Dow/DuPont
03	KOPPERS CO., INC. (NEWPORT PLANT)	DED980552244	F	1990	DuPont
03	LOWER DARBY CREEK AREA	PASFN0305521	F	2001	Dow/DuPont
03	METRO CONTAINER CORPORATION	PAD044545895	F	2012	Dow/DuPont
03	OLD WILMINGTON ROAD GW CONTAMINATION	PAD981938939	F	2000	DuPont
03	ORDNANCE WORKS DISPOSAL AREAS	WVD000850404	F	1986	DuPont
03	SAND, GRAVEL AND STONE	MDD980705164	F	1983	Dow/DuPont
03	SPECTRON, INC.	MDD000218008	F	1994	Dow/DuPont
03	STRASBURG LANDFILL	PAD000441337	F	1989	DuPont
03	TONOLLI CORP.	PAD073613663	F	1989	DuPont
03	TYBOUTS CORNER LANDFILL	DED000606079	F	1983	DuPont
03	WHITMOYER LABORATORIES	PAD003005014	F	1986	DOW
03	WILLIAM DICK LAGOONS	PAD980537773	F	1987	DOW
04	ABERDEEN PESTICIDE DUMPS	NCD980843346	F	1989	Dow/DuPont
04	ALTERNATE ENERGY RESOURCES INC	GAD033582461	F	2006	DuPont
04	AQUA-TECH ENVIRONMENTAL INC (GROCE LABS)	SCD058754789	F	1994	Dow/DuPont
04	BYPASS 601 GROUND WATER CONTAMINATION	NCD044440303	F	1986	DuPont
04	CAROLAWN, INC.	SCD980558316	F	1983	DOW
04	CHARLES MACON LAGOON AND DRUM STORAGE	NCD980840409	F	1987	DuPont
04	CITY INDUSTRIES, INC.	FLD055945653	F	1989	DOW
04	DISTLER BRICKYARD	KYD980602155	F	1983	Dow/DuPont
04	DISTLER FARM	KYD980601975	F	1983	DOW
04	INTERSTATE LEAD CO. (ILCO)	ALD041906173	F	1986	DOW
04	JADCO-HUGHES FACILITY	NCD980729602	F	1986	Dow/DuPont
04	LEONARD CHEMICAL CO., INC.	SCD991279324	F	1984	DOW
04	MAXEY FLATS NUCLEAR DISPOSAL	KYD980729107	F	1986	Dow/DuPont
04	MEDLEY FARM DRUM DUMP	SCD980558142	F	1989	DOW
04	PEAK OIL CO./BAY DRUM CO.	FLD004091807	F	1986	DOW
04	RED PANTHER CHEMICAL COMPANY	MSD000272385	F	2011	Dow/DuPont
04	SCRDI BLUFF ROAD	SCD000622787	F	1983	DOW
04	SMITH'S FARM	KYD097267413	F	1986	Dow/DuPont
04	SYDNEY MINE SLUDGE PONDS	FLD000648055	F	1989	DOW
04	TRI-CITY DISPOSAL CO.	KYD981028350	F	1989	DOW
04	WARD TRANSFORMER	NCD003202603	F	2003	DOW
04	ZELLWOOD GROUND WATER CONTAMINATION	FLD049985302	F	1983	DuPont
05	ACME SOLVENT RECLAIMING, INC. (MORRISTOWN PLANT)	ILD053219259	F	1983	DuPont
05	AMERICAN CHEMICAL SERVICE, INC.	IND016360265	F	1984	Dow/DuPont
05	ARROWHEAD REFINERY CO.	MND980823975	F	1984	DOW
05	AUTO ION CHEMICALS, INC.	MID980794382	F	1983	DuPont
05	BOFORS NOBEL, INC.	MID006030373	F	1989	Dow/DuPont
05	BYRON SALVAGE YARD	ILD010236230	F	1983	DuPont
05	CHEM-DYNE	OHD074727793	F	1983	Dow/DuPont
05	CROSS BROTHERS PAIL RECYCLING (PEMBROKE)	ILD980792303	F	1983	DuPont
05	E.H. SCHILLING LANDFILL	OHD980509947	F	1983	DOW
05	ENVIROCHEM CORP.	IND084259951	F	1983	DOW
05	FIELDS BROOK	OHD980614572	F	1983	DOW
05	FOREST WASTE PRODUCTS	MID980410740	F	1983	DOW
05	FULTZ LANDFILL	OHD980794630	F	1983	DOW
05	G&H LANDFILL	MID980410823	F	1983	DOW
05	GARY DEVELOPMENT LANDFILL	IND077005916	F	2011	Dow/DuPont
05	H.O.D. LANDFILL	ILD980605836	F	1990	DOW
05	IONIA CITY LANDFILL	MID980794416	F	1983	DOW
05	JANESVILLE ASH BEDS	WID000712950	F	1984	DuPont
05	LAKE CALUMET CLUSTER	ILD000716852	F	2010	Dow/DuPont
05	LAMMERS BARREL FACTORY	OHD981537582	F	2003	DuPont
05	LENZ OIL SERVICE, INC.	ILD005451711	F	1989	DuPont
05	LIQUID DISPOSAL, INC.	MID067340711	F	1983	Dow/DuPont
05	METAMORA LANDFILL	MID980506562	F	1984	Dow/DuPont
05	NEW LYME LANDFILL	OHD980794614	F	1983	DOW
05	NINTH AVENUE DUMP	IND980794432	F	1983	Dow/DuPont
05	NORTHSIDE SANITARY LANDFILL, INC	IND050530872	F	1984	DOW
05	ORGANIC CHEMICALS, INC.	MID990858003	F	1983	Dow/DuPont
05	PETERS CARTRIDGE FACTORY	OHD987051083	F	2012	DuPont
05	PRISTINE, INC.	OHD076773712	F	1983	DOW
05	SEYMOUR RECYCLING CORP.	IND040313017	F	1983	DOW
05	SKINNER LANDFILL	OHD063963714	F	1983	Dow/DuPont
05	SUMMIT NATIONAL	OHD980609994	F	1983	Dow/DuPont
05	THERMO-CHEM, INC.	MID044567162	F	1986	DuPont
05	U.S. SMELTER AND LEAD REFINERY, INC.	IND047030226	F	2009	DuPont
05	VERONA WELL FIELD	MID980793806	F	1983	DuPont
05	SAUGET AREA 2	ILD000605790	P	2001	DOW
06	CEDAR CHEMICAL CORPORATION	ARD990660649	F	2012	DuPont
06	COMBUSTION, INC.	LAD072606627	F	1990	DOW
06	FRENCH, LTD.	TXD980514814	F	1983	Dow/DuPont
06	GULFCO MARINE MAINTENANCE	TXD055144539	F	2003	DOW
06	HARDAGE/CRINER	OKD000400093	F	1983	Dow/DuPont
06	MALONE SERVICE CO - SWAN LAKE PLANT	TXD980864789	F	2001	Dow/DuPont
06	MANY DIVERSIFIED INTERESTS, INC.	TXD008083404	F	1999	DOW
06	MOTCO, INC.	TXD980629851	F	1983	Dow/DuPont
06	PATRICK BAYOU	TX0000605329	F	2002	DOW
06	PETRO-CHEMICAL SYSTEMS, INC. (TURTLE BAYOU)	TXD980873350	F	1986	DOW
06	PETRO-PROCESSORS OF LOUISIANA, INC.	LAD057482713	F	1984	Dow/DuPont
06	SHERIDAN DISPOSAL SERVICES	TXD062132147	F	1989	Dow/DuPont
06	SIKES DISPOSAL PITS	TXD980513956	F	1983	DOW
06	TEX-TIN CORP.	TXD062113329	F	1998	Dow/DuPont
06	US OIL RECOVERY	TXN000607093	F	2012	DOW
06	VERTAC, INC.	ARD000023440	F	1983	DOW
06	DEVIL'S SWAMP LAKE	LAD981155872	P	2004	DOW
07	CHEROKEE COUNTY	KSD980741862	F	1983	DuPont
07	LAWRENCE TODTZ FARM	IAD000606038	F	1986	DuPont
07	MISSOURI ELECTRIC WORKS	MOD980965982	F	1990	Dow/DuPont
07	NEBRASKA ORDNANCE PLANT (FORMER)	NE6211890011	F	1990	DOW
07	ORONOGO-DUENWEG MINING BELT	MOD980686281	F	1990	DuPont
08	LOWRY LANDFILL	COD980499248	F	1984	Dow/DuPont
08	MYSTERY BRIDGE RD/U.S. HIGHWAY 20	WYD981546005	F	1990	DOW
08	RICHARDSON FLAT TAILINGS	UTD980952840	P	1992	DuPont
09	CASMALIA RESOURCES	CAD020748125	F	2001	Dow/DuPont
09	DELAMO	CAD029544731	F	2002	DOW
09	DEL MONTE CORP. (OAHU PLANTATION)	HID980637631	F	1994	DOW
09	FAIRCHILD SEMICONDUCTOR CORP. (MOUNTAIN VIEW PLANT)	CAD095989778	F	1991	DOW
09	HASSAYAMPA LANDFILL	AZD980735666	F	1987	DOW
09	INDUSTRIAL WASTE PROCESSING	CAD980736284	F	1990	DOW
09	LORENTZ BARREL & DRUM CO.	CAD029295706	F	1989	Dow/DuPont
09	OMEGA CHEMICAL CORPORATION	CAD042245001	F	1999	Dow/DuPont
09	OPERATING INDUSTRIES, INC., LANDFILL	CAT080012024	F	1986	Dow/DuPont
09	PURITY OIL SALES, INC.	CAD980736151	F	1983	DOW
10	PORTLAND HARBOR	ORSFN1002155	F	2000	DOW
10	WESTERN PROCESSING CO., INC.	WAD009487513	F	1983	DOW
10	BLACKBIRD MINE	IDD980725832	P	1993	DOW

Region	Site Name	EPA ID	NPL	Status
01	SEAWAY BOAT	MED982547960	N	DOW
02	BARCELONETA LANDFILL	PRD980509129	D	DOW/DuPont
02	BAYONNE DRUM & BARREL CO	NJD009871401	N	DuPont
02	CLOTHIER DISPOSAL	NYD000511576	D	DuPont
02	DUPONT /NECCO PARK	NYD980532162	N	DuPont
02	ENRX. INC.	NYD175762616	N	DOW/DuPont
02	ENVIROTEK	NYD021744537	N	DOW
02	HOPKINS FARM	NJD980532840	D	DOW
02	MORGAN ORDINANCE DEPOT(AKATA/GILLESIPIE	NJD986652519	N	DuPont
02	NEWBURGH LANDFILL	NYD980534846	N	DuPont
02	NIAGARA COUNTY REFUSE	NYD000514257	D	DuPont
02	PFOHL BROTHERS LANDFILL	NYD980507495	D	DuPont
02	PIONEER SMELTING CO INC	NJD014786982	N	DuPont
02	PORT REFINERY	NYD986954048	N	DuPont
02	PULVERIZING SERVICES	NJD980582142	N	DOW/DuPont
02	RENORA, INC.	NJD070415005	D	DuPont
02	SAYREVILLE LANDFILL	NJD980505754	D	DOW
02	TABERNACLE DRUM DUMP	NJD980761357	D	DOW/DuPont
02	WARWICK LANDFILL	NYD980506679	D	DOW
02	WIDE BEACH DEVELOPMENT	NYD980652259	D	DOW/DuPont
03	AMCHEM PROD INC	PAD002348324	N	DOW
03	BAHN WAREHOUSE	PAD987277977	N	DuPont
03	DIXIE CAVERNS COUNTY LANDFILL	VAD980552095	D	DOW
03	DUPONT EXPLOSIVES	PAD981939325	N	DuPont
03	EAST COAST TRAILER SALES	PA0000634659	N	DuPont
03	KENT COUNTY LANDFILL (HOUSTON)	DED980705727	W	DuPont
03	METCOA	PAD080719446	N	DOW/DuPont
03	MOYERS LANDFILL	PAD980508766	D	DOW
03	NEW CASTLE ABANDONED CONTAINER SITE	DED981736440	N	DuPont
03	ROHM AND HAAS CO. LANDFILL	PAD091637975	R	DOW
03	SEAFORD-ARBUTUS WELL FIELD	DED984075523	N	DuPont
03	SPELTER ZINC PLANT	WV0000634584	N	DuPont
03	WADE (ABM)	PAD980539407	D	DOW/DuPont
03	WELCOME JOY	WVD980693477	N	DOW
03	WILDCAT LANDFILL	DED980704951	D	DuPont
04	A.L. TAYLOR (VALLEY OF DRUMS)	KYD980500961	D	DOW
04	BAY DRUM	FLD088783865	A	DuPont
04	BIOLOGICAL PROCESSORS OF ALABAMA	ALR000037929	N	DOW
04	CALDWELL SYSTEMS INC	NCD086871282	N	DuPont
04	CAROLINA STEEL DRUM CORP	SCD980559926	N	DuPont
04	CHEM SPRAY	FLD981020514	N	DuPont
04	DIXIE BARREL & DRUM COMPANY	TND034692632	N	DOW
04	DOCKERY PROPERTY	NCD980840342	A	DOW/DuPont
04	ELLIS ROAD/AMERICAN ELECTRIC CORP.	FLD981931827	N	DuPont
04	HOWE VALLEY LANDFILL	KYD980501191	D	DOW
04	LEE'S LANE LANDFILL	KYD980557052	D	DOW/DuPont

04	LWD INC	KYD088438817	N	DuPont
04	MCCLUSKEY'S FARM	GAD980729339	N	DuPont
04	MURPHY AVE DRUM SITE	GA0001913185	N	DOW
04	SEVEN OUT LLC TANK	GAN000407811	N	DuPont
04	US STEEL AGRICHEM/OLD BLUE CHEMICAL	SCD987591948	N	DOW
04	YELLOW WATER ROAD	FLD980844179	D	DuPont
05	AUTOMATIC CONTAINERS INCORPORATED	OHD980611321	N	DuPont
05	B & E LANDFILL	OHD980794648	N	DuPont
05	BERLIN & FARRO	MID000605717	D	DOW/DuPont
05	BOERKE	WID981189632	N	DuPont
05	BOHATY DRUMS	OHD987033743	N	DOW
05	BOWERS LANDFILL	OHD980509616	D	DuPont
05	CADIE AUTO SALVAGE	ILN000510522	N	DOW/DuPont
05	CALUMET CONTAINER	IND980500193	N	DOW/DuPont
05	CHEMICAL RECOVERY	OHD057001810	N	DOW/DuPont
05	CLAYTON CHEM CO	ILD066918327	N	DOW
05	CLIFF/DOW DUMP	MID980608970	D	DOW
05	COMMERCIAL OIL SERVICE INCORPORATION	OHD000816843	N	DOW
05	CONSERVATION CHEMICAL COMPANY	IND040888992	N	DOW/DuPont
05	DOW CHEM CO MICHIGAN DIV MIDLAND LOC	MID000724724	N	DOW
05	GRANVILLE SOLVENTS INC	OHD004495412	N	DuPont
05	GREAT LAKES PAVING/ASPHALT	IND980990816	N	DOW
05	GREINER'S LAGOONS	OHD980794622	N	DuPont
05	KINGS MILLS LEAD SITE	OHN000508990	N	DuPont
05	LASKIN/POPLAR OIL CO.	OHD061722211	D	DOW
05	MASTER METALS INCORPORATION	OHD097613871	N	DuPont
05	MOBILE TANK CAR SERVICE	OHD000720227	N	DOW/DuPont
05	NORTHWESTERN BARREL	WID981095995	N	DuPont
05	SPRINGVILLE MARSH	OHN000510507	N	DOW
05	STERLING MORTON HIGH SCHOOL	ILN000509091	N	DuPont
05	STICKNEY AVENUE LANDFILL AKA TOLEDO CITY LANDFILL	OHD000605956	N	DuPont
05	THIRD SITE	IND984876177	A	DOW
05	THOMAS SOLVENT COMPANY	MID039993902	N	DuPont
05	TITTABAWASSEE RIVER, SAGINAW RIVER & BAY	MID980994354	N	DOW
05	UNION CARBIDE CORPORATION SITE B LANDFILL	OHD980612147	N	DOW
05	US SCRAP	ILD980679484	N	DuPont
06	ARCHEM COMPANY, INC.	TXD042544270	N	DuPont
06	ARKANSAS WASTE-TO-ENERGY	ARD982286957	N	DuPont
06	BAILEY WASTE DISPOSAL	TXD980864649	D	DOW/DuPont
06	BAYOU SORREL	LAD980745541	D	DOW
06	BIO-ECOLOGY SYSTEMS, INC.	TXD980340889	D	DOW/DuPont
06	BRIO REFINING, INC.	TXD980625453	D	DOW
06	COMPASS INDUSTRIES (AVERY DRIVE)	OKD980620983	D	DOW/DuPont
06	D.L. MUD, INC.	LAD981058019	D	DOW
06	DIXIE OIL PROCESSORS, INC.	TXD089793046	D	DOW
06	GULF COAST VACUUM SERVICES	LAD980750137	D	DOW/DuPont
06	GULF NUCLEAR	TX0000605258	N	DOW/DuPont

06	GULF NUCLEAR - TAVENOR SITE	TXN000605455	N	DOW/DuPont
06	HARRIS (FARLEY STREET)	TXD980745582	D	DOW
06	HILLSDALE DRUMS	LAD985214766	N	DuPont
06	MARCO OF IOTA	LAD980624514	N	DuPont
06	MOSLEY ROAD SANITARY LANDFILL	OKD980620868	D	DOW
06	ODESSA DRUM COMPANY INC	TXD008012254	N	DOW/DuPont
06	PAB OIL & CHEMICAL SERVICE, INC.	LAD980749139	D	DOW
06	PALMER BARGE LINE	TXD068104561	D	DuPont
06	PESSES CHEMICAL CO.	TXD980699656	D	DOW/DuPont
06	PORT NECHES PIPELINE FIRE	TXN000606841	N	DOW
06	ROGERS ROAD MUNICIPAL LANDFILL	ARD981055809	D	DOW
06	SAND SPRINGS PETROCHEMICAL COMPLEX	OKD980748446	D	DuPont
06	SOUTH 8TH STREET LANDFILL	ARD980496723	D	DuPont
06	STATE MARINE OF PORT ARTHUR	TXD099801102	D	DuPont
06	WEBSTER - GULF NUCLEAR	TX0000605420	N	DOW/DuPont
07	CONTAINER RECYCLING, INC - KANSAS CITY	KSD065764995	N	DuPont
07	DU PONT, E I DE NEMOURS & CO -FT MADISON	IAD005272398	A	DuPont
07	E.I. DU PONT DE NEMOURS & CO., INC. (COUNTY ROAD X23)	IAD980685804	D	DuPont
07	FINDETT CORP.	MOD006333975	R	DOW/DuPont
07	GREAT LAKES CONTAINER CORP - ST LOUIS	MOD086827359	N	DuPont
07	OSAGE METAL COMPANY	KSD031295660	N	DuPont
07	PCB INC - KANSAS	KSD980963565	N	DuPont
07	PCB INC - MISSOURI	MOD063670350	N	DuPont
07	RED OAK CITY LANDFILL	IAD980632509	D	DOW
08	COLORADO SCHOOL OF MINES RI/CREEKSIDE	COD000823401	N	DOW
08	HANSEN CONTAINERS	COD081469801	N	DOW
08	MOLINE STREET PCBS	COD030446637	N	DOW
08	PETROCHEM RECYCLING CORP./EKOTEK PLANT	UTD093119196	D	DuPont
08	RAMP INDUST INC	COD980718985	N	DOW
08	ROCKY FLATS INDUSTRIAL PARK (THORO - AERRCO - GWI)	COD980807374	S	DOW
08	TREASURE MOUNTAIN MIDDLE SCHOOL	UTN000802495	N	DuPont
08	TWINS INN	CO0001101476	N	DOW
08	WOODBURY CHEMICAL CO.	COD980667075	D	DOW
09	GENERAL DSPL CO	CAD980735856	N	DOW/DuPont
09	RIO TINTO COPPER MINE	NV3141190030	N	DuPont

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For issuance AFTER he sells the DowDuPont stock

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Peter Wright
Assistant Administrator

TO: E. Scott Pruitt
Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligations to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own bar obligations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

As stated in my ethics agreement sent to the Senate Environment and Public Works Committee, I agreed to forfeit all DowDuPont, Inc. stock options that are unvested at the time of my resignation from DowDuPont and to divest of my vested stock options and stock in

DowDuPont, Inc. within 90 days of my confirmation. As of [date], I have in fact divested of my interests in DowDuPont and, pursuant to a certificate of divestiture issued on [date], I have used the proceeds to purchase non-conflicting assets.

OBLIGATIONS UNDER EXECUTIVE ORDER 13,770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I have ethics obligations with respect to any former employer during the preceding two years, as well as any organization in which I held a fiduciary duty. For purposes of this restriction, the entities that fall within the prohibition are DowDuPont Inc., the National Association of Wabash Men, and the Lambda Chi Alpha Home Association of Wabash College.

I understand that I am prohibited from participating in any particular matter involving specific parties in which any of the entities listed below is a party or represents a party. My recusal lasts for two years from the date that I joined federal service. I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term "particular matters involving specific parties" is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term "open to all interested parties" means five or more parties who represent a diversity of interests rather than one shared perspective. I understand that such meetings do not have to be open to every corner, but should include a multiplicity of parties[1].

NAME OF ENTITY	DATE WHEN RECUSAL ENDS
DowDuPont Inc.	[two years from date of appointment], 2020
National Association of Wabash Men, Board of Directors	[two years from date of appointment], 2020
Lambda Chi Alpha Home Association of Wabash College, Board of Directors	[two years from date of appointment], 2020

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

[1] As explained by the Office of Government Ethics, if an agency is holding a meeting with five or more stakeholders regarding a given policy or piece of legislation, I could attend such a meeting even if one of the stakeholders is a former employer or former client. *See* Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13770 pursuant to OGE Legal Advisory LA-17-03 (3/20/17).

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SUPERFUND SITES

To avoid any concerns about my ethical obligations, I want to state clearly that I will not participate in any of the sites on the attached lists generated by the Office of Site Remediation and Enforcement of all of the Superfund sites at which DowDuPont is a potentially responsible party (PRP). Consistent with my bar rules, while at EPA, I will not participate in any site on the attached list that I previously worked on personally and substantially. Consistent with my obligations under ethics regulations and the Executive Order, for any of the sites on the attached list that I did not work on personally and substantially, I will not participate on that site until after [two years from date of appointment], 2020.

SCREENING ARRANGEMENT

In order to ensure that I do not participate in the matters relating to any of the entities listed above, I will instruct [name], [title], to assist in screening EPA matters directed at my attention that involve these entities. All inquiries and comments involving the entities on my recusal list should be directed to [name] without my knowledge and involvement until after my recusal period ends.

If [name] determines that a particular matter will directly involve any of the entities listed on my "specific party" recusal list, then he/she will refer it for action or assignment to another, without my knowledge or involvement. In the event that he/she is unsure whether an issue is a particular matter from which I am recused, then he/she will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates with a copy to Justina Fugh, Senior Counsel for Ethics.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my recusal or screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

Attachments

cc: Ryan Jackson, Chief of Staff
Steven Cook, Deputy Assistant Administrator
Barry Breen, Principal Deputy Assistant Administrator
Justina Fugh, Senior Counsel for Ethics

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For issuance BEFORE he sells the DowDuPont stock

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Peter Wright
Assistant Administrator

TO: E. Scott Pruitt
Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligations to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own bar obligations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

As stated in my ethics agreement sent to the Senate Environment and Public Works Committee, I agreed to forfeit all DowDuPont, Inc. stock options that are unvested at the time of my resignation from DowDuPont and to divest of my vested stock options and stock in DowDuPont, Inc. within 90 days of my confirmation. Until I sell the stock, I understand that I am recused from participating personally and substantially in any particular matter, including sector-specific policies and regulations, that would have a direct and predictable effect on the following:

Name of Entity	Date when recusal ends
DowDuPont, Inc.	My financial conflict of interest continues for as long as I own stock in this company. Upon divestiture, I understand that I am still subject to additional restrictions pursuant to Executive Order 13770.
Chemical industry sector	continues for as long as I own stock in the chemical industry sector

Once I have sold the stock, I will update this recusal statement.

OBLIGATIONS UNDER EXECUTIVE ORDER 13,770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I have ethics obligations with respect to any former employer during the preceding two years, as well as any organization in which I held a fiduciary duty. For purposes of this restriction, the entities that fall within the prohibition are DowDuPont Inc., the National Association of Wabash Men, and the Lambda Chi Alpha Home Association of Wabash College.

I understand that I am prohibited from participating in any particular matter involving specific parties in which any of the entities listed below is a party or represents a party. My recusal lasts for two years from the date that I joined federal service. I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term "particular matters involving specific parties" is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term "open to all interested parties" means five or more parties who represent a diversity of interests rather than one shared perspective. I understand that such meetings do not have to be open to every corner, but should include a multiplicity of parties[1].

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NAME OF ENTITY	DATE WHEN RECUSAL ENDS
DowDuPont Inc.	[two years from date of appointment], 2020
National Association of Wabash Men, Board of Directors	[two years from date of appointment], 2020
Lambda Chi Alpha Home Association of Wabash College, Board of Directors	[two years from date of appointment], 2020

ATTORNEY BAR OBLIGATIONS

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SUPERFUND SITES

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UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my

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personal or business relationships, or any changes to my EPA duties. In the event of any changes to my recusal or screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

Attachments

cc: Ryan Jackson, Chief of Staff
Steven Cook, Deputy Assistant Administrator
Barry Breen, Principal Deputy Assistant Administrator
Justina Fugh, Senior Counsel for Ethics

ED_002480_00082684-00004

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 6/16/2018 9:28:21 PM
To: Peter Wright Ex. (b)(6)
CC: Lyons, Troy [lyons.troy@epa.gov]; Palich, Christian [palich.christian@epa.gov]
Subject: Re: in anticipation of Peter Wright's confirmation hearing

Perfect. We'll get together Monday.

And you are correct. Auto correct I guess. It is every comer.

Ryan Jackson
Chief of Staff
U.S. EPA
Ex. (b)(6)

On Jun 16, 2018, at 2:30 PM, Peter Wright Ex. (b)(6) wrote:

Ryan:

Ex. 5 - Deliberative Process

Thank you for providing this to me in advance.

Regards,

Peter

On Jun 15, 2018, at 4:59 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Ex. 5 - Deliberative Process

Ryan.

From: Fugh, Justina
Sent: Friday, June 15, 2018 4:08 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: in anticipation of Peter Wright's confirmation hearing

Hi there,
Last week, you asked me to prepare a draft recusal statement for Peter Wright in anticipation of his upcoming confirmation hearing. I spoke to Mr. Wright today and learned that he will be meeting with OCIR and others on Monday and Tuesday of next week. Since I may not be in the office on Monday, I am sending you all this material just to get you started. OSRE does not anticipate that its lists (sent to me in February) have any updates, but they are double-checking to be sure. I'll have a final answer on Monday.

Allow me to decode what I'm sending you:

- Mr. Wright owns DowDuPont stock that he has agreed to divest. But the Office of Government Ethics (OGE) and EPA Ethics have advised him not to sell the stock until *after* he is an EPA employee. Once that happens, EPA Ethics can seek a certificate of divestiture (CD) from OGE so that he can defer any capital gains. But we can't seek a CD until he starts as an EPA employee.
- Consequently, I have written two recusals. The first can be issued as soon as he joins EPA (in whatever capacity) and reflects his financial ownership. The second is what he can issue after he sells the stock under the CD.
- I have also attached OSRE's lists of DowDuPont superfund sites. The first is all of the NPL sites, organized by Region. The first two letters of the EPA ID are the state where the site is located, and F = listed on the NPL while P = proposed. The second chart is a list of non-NPL or deleted sites.

Finally, Mr. Wright asked for assistance in drafting an answer to whether he would be permitted to work on registering PFAS as a hazardous chemical. I'll ask my staff to work with me on framing an answer for next week. In the meantime, he wonders if I can meet with him on Tuesday, so I'll send a note to Christian to see if he can help me with that.

Happy Friday!
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

<Peter Wright draft recusal before stock sale v2.docx><Peter Wright draft recusal after stock sale v2.docx><Dow Dupont NPL sites with Listing Date - as of 2_20_2018.xlsx><Dow Dupont non NPL or deleted sites - as of 2_20_2018.xlsx>

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/20/2018 10:13:22 AM
To: Ex. (b)(6)
Subject: RE: introductions and coordination

Of course. Ex. (b)(6)

From: Ex. (b)(6)
Sent: Saturday, May 19, 2018 9:31 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: introductions and coordination

Ryan,
Is it possible to have your private cell? Of course would only use it in an emergency. Thx and hope your having a nice weekend.
Mike

Sent from my iPhone

On May 19, 2018, at 9:23 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

> Here is some rhetoric for you of past year's accomplishments.
>
> I've also cc'd Chris Beach, the Administrator's speech writer, to provide you our talking points on WIFIA. We are accepting applications through the end of July for grant funding through WIFIA for water infrastructure maintenance, replacement, and capacity building for communities all over the country. Region 9 was a major beneficiary last year and Lee can send you the awards from 2017 so you can know what EPA is in the process of funding. This is a major part of EPA's infrastructure contribution to the President's broader infrastructure planning along with the usual investments EPA makes all over the country through the Clean Water Act and Safe Drinking Water Act revolving loan funds.
>
> ---
>
> **From:** Ex. (b)(6)
> **Sent:** Saturday, May 19, 2018 11:45 AM
> **To:** Jackson, Ryan <jackson.ryan@epa.gov>
> **Cc:** Munoz, Charles <munoz.charles@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>
> **Subject:** Re: introductions and coordination
>
> Thx Ryan. Looking forward to seeing you Charles. And looking forward to meeting you Ken. I am in SF Monday and Tuesday and fly to Ontario with Amy to Ontario to attend and address the County Ag Commissioners. At their annual meeting. Amy and I will then be in LA Office Thursday and Friday for meetings that have been set up.
> I hope you all have a nice weekend and see you Monday.
> Best regards,
> Mike
>
> Sent from my iPhone
>
> On May 19, 2018, at 8:12 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>
> > Gentlemen, I wanted to connect you all together.

Mike's cell is Ex. 6
Ken's cell is Ex. 6
Charles' cell is Ex. 6

We got this going thank goodness very quickly, but these gentlemen can help you Mike with your first few days. Ordinarily they would be on hand to help with the new RA's coming onboard. They have experience with how we roll this out internally, all hands meetings, and etc. I've asked them to make their way to San Francisco to meet you Monday. They are happy to even though really short notice. But we needed to get this done. Monday will be full of getting things initially to get you set up. After that you'll want to do the intros throughout the San Francisco office and full staff meeting which Ken and Charles can help you with.

Of course hitting all our facilities in the region is an important first step.

Looking forward to this.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency
Ex. 6

<Reg Reform Accomplishments 04.17.2018.docx>

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/17/2018 11:41:55 PM
To: Ex. (b)(6)
Subject: RE: RE:
Attachments: Feinstein to EPA Pruitt re Region 9.pdf

Always something.

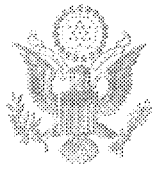
-----Original Message-----
From: Ex. (b)(6)
Sent: Thursday, May 17, 2018 5:59 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: RE:

Thx Ryan. Looking forward to your call.
Mike

Sent from my iPhone

> On May 17, 2018, at 2:34 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:
>
> I was just about to call you today with an update. I'll give you a call shortly.
>
> -----Original Message-----
> From: Ex. (b)(6)
> Sent: Thursday, May 17, 2018 5:18 PM
> To: Jackson, Ryan <jackson.ryan@epa.gov>
> Subject:
>
> Ryan,
> Can you call me. I think I have a solution to the home office situation.
> Thx
> Mike
> Ex. 6
>
> Sent from my iPhone

DIANNE FEINSTEIN
CALIFORNIA



COMMITTEE ON THE JUDICIARY - RANKING MEMBER
SELECT COMMITTEE ON INTELLIGENCE
COMMITTEE ON APPROPRIATIONS
COMMITTEE ON RULES AND ADMINISTRATION

United States Senate

WASHINGTON, DC 20510-0504
http://feinstein.senate.gov

May 17, 2018

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Pruitt:

I write to you out of increasing concern regarding the pending appointment of Michael Stoker as Regional Administrator (RA) of the Environmental Protection Agency's (EPA) Region IX. While I have no doubt that Mr. Stoker and I have very different opinions regarding environmental policy, I am also particularly troubled by reports that Mr. Stoker plans to work remotely from the EPA's Los Angeles Office.

As you know, the majority of Region IX's staff work out of the San Francisco Regional Headquarters. This includes almost all of the staff that would report directly to Mr. Stoker. We do not believe that the EPA's mission would be well served by having an absentee RA.

Furthermore, I am extremely concerned about the unnecessary costs that would be created by such an arrangement and have the following questions:

1. Would tax payers be expected to pay for Mr. Stoker's travel costs when he flies to San Francisco to meet with his own senior staff?
2. Does the EPA have any estimate how much such travel would be required?
3. To the best of my knowledge, Mr. Stoker lives in Santa Barbara and has no plans to move to closer to Los Angeles. Is Mr. Stoker planning on commuting 2 to 3 hours each way every day?
4. What plans does the EPA have in place to keep Mr. Stoker's travel costs to a reasonable level?

It should be noted that, during President George W. Bush's administration, EPA Region IX Administrator Wayne Nastri attempted a similar working arrangement, splitting his time between San Francisco and his home in Southern California. The resulting EPA Investigator General's report determined that the agency needed to institute better controls for employee travel costs. The recent reports that your agency is considering Mr. Stoker's request suggest that the EPA has not taken those suggestions seriously.

As a member of the Appropriations Subcommittee on Interior, Environment, and Related Agencies, I have a responsibility to ensure that the funds sent to the EPA are spent in a responsible and judicious manner. The Environmental Protection Agency should be spending as much of its money as possible on protecting the environment. The arrangement described above does not reflect that sentiment.

As I understand that you plan to announce Mr. Stoker's appointment soon, I ask that you consider these concerns and provide a response to my questions as soon as possible. Thank you for your attention to this matter. I look forward to your response.

Sincerely,

Dianne Feinstein
United States Senator

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 5/19/2018 4:23:53 PM
To: Ex. (b)(6)
CC: Munoz, Charles [munoz.charles@epa.gov]; Wagner, Kenneth [wagner.kenneth@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Ross, David P [ross.davidp@epa.gov]
Subject: RE: introductions and coordination
Attachments: Reg Reform Accomplishments 04.17.2018.docx

Here is some rhetoric for you of past year's accomplishments.

I've also cc'd Chris Beach, the Administrator's speech writer, to provide you our talking points on WIFIA. We are accepting applications through the end of July for grant funding through WIFIA for water infrastructure maintenance, replacement, and capacity building for communities all over the country. Region 9 was a major beneficiary last year and Lee can send you the awards from 2017 so you can know what EPA is in the process of funding. This is a major part of EPA's infrastructure contribution to the President's broader infrastructure planning along with the usual investments EPA makes all over the country through the Clean Water Act and Safe Drinking Water Act revolving loan funds.

From: Ex. (b)(6)
Sent: Saturday, May 19, 2018 11:45 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Munoz, Charles <munoz.charles@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>
Subject: Re: introductions and coordination

Thx Ryan. Looking forward to seeing you Charles. And looking forward to meeting you Ken. I am in SF Monday and Tuesday and fly to Ontario with Amy to Ontario to attend and address the County Ag Commissioners. At their annual meeting. Amy and I will then be in LA Office Thursday and Friday for meetings that have been set up.
I hope you all have a nice weekend and see you Monday.
Best regards,
Mike

Sent from my iPhone

On May 19, 2018, at 8:12 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

> Gentlemen, I wanted to connect you all together.
>
> Mike's cell is Ex. 6
> Ken's cell is Ex. 6
> Charles' cell is Ex. 6
>
> We got this going thank goodness very quickly, but these gentlemen can help you Mike with your first few days. Ordinarily they would be on hand to help with the new RA's coming onboard. They have experience with how we roll this out internally, all hands meetings, and etc. I've asked them to make their way to San Francisco to meet you Monday. They are happy to even though really short notice. But we needed to get this done. Monday will be full of getting things initially to get you set up. After that you'll want to do the intros throughout the San Francisco office and full staff meeting which Ken and Charles can help you with.
>
> Of course hitting all our facilities in the region is an important first step.

Looking forward to this.

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency
Ex. 6

Internal/Deliberative Process

EPA REGULATORY REFORM UNDER ADMINISTRATOR PRUITT'S LEADERSHIP

Updated April 17, 2018

OVERVIEW:

- Administrator Pruitt is working to fulfill EPA's core mission of protecting our environment while implementing President Trump's executive orders to reduce unnecessary regulatory burdens, save manufacturing jobs, streamline our permitting processes, and promote American energy independence and rural prosperity.
- Administrator Pruitt is also working to streamline agency operations achieving the leanest EPA employment levels since the Reagan Administration and focusing on a "Back-to-Basics" agenda based on cooperative federalism and a new working relationship with states as real partners to achieve air and water quality standards and land remediation.

REGULATORY STATISTICS UNDER THE PREVIOUS ADMINISTRATION:

- According to the White House Office of Management and Budget's (OMB) most recent report to Congress on the Benefits and Costs of Federal Regulations, over the last decade, EPA regulations imposed annual costs of **$43.2 to 50.9 billion** – more than the cost of all other federal agencies *combined*.
- That same report showed that, over the last decade, EPA issued more major rules than *any* other federal agency.
- According to EPA's internal database, the Agency issued 20 deregulatory actions from 2009 to 2017.

REDUCING UNNECESSARY REGULATORY BURDEN UNDER ADMINISTRATOR PRUITT:

- In accordance with E.O. 13771, for Fiscal Year 2017, EPA finalized at least 2 deregulatory actions for each new regulatory action. Additionally, EPA rules imposed no new net costs. EPA expects to impose no additional net costs in Fiscal Year 2018 as well.
- Under Administrator Pruitt's leadership, EPA has finalized **24 deregulatory actions** that saved the American people more than **$1 billion** in regulatory costs.
- EPA has also initiated work on an additional 41 deregulatory actions and announced the reconsideration of over a dozen overreaching and burdensome regulations.

OTHER REGULATORY REFORM MEASURES:

- Issued an Agency-wide directive in October 2017 to end "sue and settle" practices within the Agency, putting an end to regulation by litigation.
- Issued a directive in October 2017 to ensure the independence of EPA's Federal Advisory Committees (FACs) by prohibiting members from serving on a FAC while simultaneously receiving grants from the Agency. In addition, the directive called for more geographic diversity on FACs, more frequent rotation in membership, and greater involvement by state, local, and tribal officials.
- Developing a directive to strengthen transparency and reproducibility for EPA's regulatory science and announcing at EPA HQ April 24.
- Developed an ANPRM to help inform implementing regulations for how EPA evaluates costs and benefits of rules. The Agency issued this ANPRM this month.
- Improve EPA's internal rulemaking process by updating the *Guidelines for Producing Economic Analysis*, which govern how the Agency conducts benefit-cost analysis and other regulatory impact analyses.

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- EPA was the first federal agency to provide updated estimates of the social cost of carbon and methane consistent with E.O. 13783 (e.g., 2016 avg. SCC=$36/ton, 2017 avg. SCC=$5/ton; 2016 avg. SCM=$1,100/ton, 2017 avg. SCM=$150/ton).
- Issue permitting decisions in 6 months by 2020.
- Reduce the regulated community reporting and recordkeeping burden by 10 million hours by 2022.

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KEY DEREGULATORY ACTIONS:

- ✓ **WOTUS**: EPA estimated the 2015 WOTUS rule had an annualized cost of up to $462.9 million. Per E.O. 13778, EPA and the Army Corps issued a proposed repeal of the rule in June 2017, which could produce up to $476.2 million in annualized cost-savings. In January 2018, the agencies issued a final rule to change the applicability date of the rule to February 2020 to allow time to reconsider the rule. As a second step, the agencies are developing a revised definition of WOTUS.
- ✓ **Clean Power Plan and Related Actions**: In 2015, EPA estimated that the CPP could cost $5 to 8 billion in 2030 and result in a loss of roughly 34,000 jobs in 2030. The Energy Information Administration (EIA) estimated a loss of about 376,000 jobs under the CPP in 2030. Per E.O. 13783, EPA announced its withdrawal of the Federal Plan/Trading Rule/Framework Amendments under the CPP and its review of the New Source Performance Standards for coal-fired power plants on March 28, 2017. In October 2017, EPA issued a proposed repeal of the CPP saving up to $33.3 billion in 2030. In December 2017, the Agency issued an ANPRM to solicit information from the public about a potential future rulemaking to limit greenhouse gas emissions from existing power plants.
- ✓ **Coal Combustion Residuals:** The 2015 CCR rule had an annualized cost of up to $735 million. In March 2018, Administrator Pruitt signed the first of 2 rules that amend the 2015 rule and could produce up to $100 million in annualized cost-savings.
- ✓ **Risk Management Plan:** The RMP Amendments rule had an annualized cost of $131.8 million. In June 2017, EPA issued a final rule extending the effective date of the rule by 22 months while the Agency reconsiders the rule. In March 2018, EPA sent a draft reconsideration rule to OMB for interagency review.
- ✓ **Vehicle GHG Standards:** In March 2017, EPA and DOT announced their reconsideration of the prior administration's Midterm Evaluation (MTE) for the GHG emissions standards established for light-duty vehicles model years 2022-2025. In August 2017, EPA announced its intent to reconsider provisions of the greenhouse gas standards for medium- and heavy-duty vehicles. In November 2017, the Agency issued a proposed rule to repeal emission requirements for glider kits, and provisions for trailers have been stayed by courts. On April 2, Administrator Pruitt signed a new MTE finding that, in light of recent data, the current standards are not appropriate and should be revised. Administrator Pruitt also announced the start of a process to develop a rulemaking to set more appropriate GHG emissions standards.
- ✓ **New Source Review**: In order to improve the NSR program, EPA planned to issue a series of memos on NSR reform. In December 2017, EPA issued guidance about the process of determining whether or not a project at an existing facility triggers NSR requirements (known as the "applicability determination"). In January 2018, EPA issued guidance withdrawing the 1995 "once-in-always-in" policy. In March 2018, EPA issued a memo that provides guidance for accounting changes in emissions from a project under the NSR program when determining whether a project will result in a significant emissions increase.
- ✓ **Methane Oil and Gas Rule**: The 2016 Oil and Gas Methane New Source Performance Standards for new and modified sources would have had an annualized cost of up to $640 million in 2025. Per E.O. 13783, EPA announced its intent to reconsider the rule in April 2017. In June 2017, EPA issued a proposed short- and long-term delay of the rule. In March 2018, EPA amended 2 provisions of the rule to address immediate concerns with requirements pertaining to fugitive emissions. On the same day, EPA withdrew the Oil & Gas Control Technique Guidelines (CTG) saving up to $16 million in regulatory costs.
- ✓ **Methane Information Collection Request:** The methane ICR for the oil and gas sector had a compliance cost of more than $40 million. In March 2017, EPA rescinded the ICR.
- ✓ **Steam Electric Effluent Limitation Guidelines**: EPA estimated the 2015 Steam ELG rule could have cost $1.2 billion per year in the first 5 years with an annualized cost of $480 million. In September 2017, EPA issued a final rule to postpone compliance deadlines by 2 years, providing relief during the Agency's reconsideration, which could produce up to $36.8 million in annualized cost-savings.

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 4/19/2018 12:40:03 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Ford, Hayley [ford.hayley@epa.gov]
Subject: Re: Formal Swearing In

Yes, all that.

Sent from my iPhone

On Apr 18, 2018, at 7:31 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

> Perfecto. This is for the ceremonial one, correct? Green room, food, strobe lights? All that?
>
> **From:** Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
> **Sent:** Wednesday, April 18, 2018 3:19 PM
> **To:** Ford, Hayley <ford.hayley@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
> **Subject:** RE: Formal Swearing In
>
> That would work for me. Ryan?
>
> Andrew R. Wheeler
> *Principal*
> andrew.wheeler@FaegreBD.com Download vCard
> Ex. 6 F: +1 202 312 7460
>
> **Faegre Baker Daniels Consulting**
> 1050 K Street NW | Suite 400 | Washington, DC 20001, USA
>
> **From:** Ford, Hayley [mailto:ford.hayley@epa.gov]
> **Sent:** Wednesday, April 18, 2018 3:19 PM
> **To:** Wheeler, Andrew R.; Jackson, Ryan
> **Subject:** RE: Formal Swearing In
>
> Yes he will. Before lunchtime would be best as there's a slight chance he'll be flying out of town that afternoon. Should we say 11 and then we'll have a reception after and if you want to go to lunch with any folks after you can?
>
> *Hayley Ford*
> Deputy White House Liaison and Personal Aide to the Administrator
> Environmental Protection Agency
> ford.hayley@epa.gov
> Phone: 202-564-2022
> Ex. 6
>
> **From:** Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
> **Sent:** Wednesday, April 18, 2018 3:17 PM
> **To:** Ford, Hayley <ford.hayley@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
> **Subject:** Formal Swearing In

Can we look at Friday May 4th for the formal swearing in? Will the Administrator be in the office? Thanks.

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

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

Message

From: Ex. (b)(6)
Sent: 2/8/2018 9:07:52 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Follow-up (UNCLASSIFIED)
Attachments: CURRICULUM VITAE-Ex. (b)(6)

CLASSIFICATION: UNCLASSIFIED

Ryan,

Thank you for the conversation. You've given me a lot to think about.

I've attached here relatively current versions of my CV and bio.

I look forward to talking again soon.

Best regards,

Ex. (b)(6)

CLASSIFICATION: UNCLASSIFIED

Ex. (b)(6)

Ex. (b)(6)

Ex. (b)(6)

Ex. (b)(6)

Ex. (b)(6)

Ex. (b)(6)

Ex. (b)(6)

Ex. (b)(6)

Ex. (b)(6)

Ex. (b)(6)

Ex. (b)(6)

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 4/10/2018 4:49:59 PM
To: Bowman, Liz [Bowman.Liz@epa.gov]; Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]; Lyons, Troy [lyons.troy@epa.gov]
Subject: RE: NYT

I agree. Head down.

From: Bowman, Liz
Sent: Tuesday, April 10, 2018 12:44 PM
To: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>; Jackson, Ryan <jackson.ryan@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: NYT

Thanks; I can send her the statement that we have been sending to others who have asked.

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Tuesday, April 10, 2018 12:26 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: NYT

Coral davenport

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

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

From: Bowman, Liz [mailto:Bowman.Liz@epa.gov]
Sent: Tuesday, April 10, 2018 12:20 PM
To: Wheeler, Andrew R.; Jackson, Ryan; Lyons, Troy
Subject: RE: NYT

Do you know what reporter?

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Tuesday, April 10, 2018 12:14 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: NYT

New York Times is calling people for a story on me. They apparently are asking about Senator Whitehouse's plans to run out the clock on me.

Andrew R. Wheeler
Principal
andrew.wheeler@FaegreBD.com Download vCard

Ex. 6 F: +1 202 312 7460

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

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 3/16/2018 8:43:13 PM
To: Bowman, Liz [Bowman.Liz@epa.gov]; Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [lyons.troy@epa.gov]
Subject: RE: WH Briefing Mentioned You

The DOI deputy is confirmed and has been for months.

From: Bowman, Liz
Sent: Friday, March 16, 2018 3:03 PM
To: Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: WH Briefing Mentioned You

For reference, he only mentioned two nominees by name: you and the DOI deputy.

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Friday, March 16, 2018 2:58 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: Re: WH Briefing Mentioned You

Thanks!!

Sent from my iPhone

On Mar 16, 2018, at 2:37 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Ex. 5

I haven't gotten questions about it, but wanted to give you a heads-up.

Liz Bowman
U.S. Environmental Protection Agency (EPA)
Office: 202-564-3293

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 3/8/2018 10:43:22 PM
To: Peter Wright Ex. 6 Peter Wright Ex. 6
Subject: FW: here are two draft recusals for Peter Wright
Attachments: Peter Wright draft recusal before stock sale.docx; Peter Wright draft recusal after stock sale.docx

Peter, I wanted to ensure that you had seen these two drafts. I wanted to answer your questions following your review. The purpose of this is to provide Senate EPW Democrats with a clear picture of how you can do your job. I think a recusal statement provided to them in advance or shortly in advance of any hearing helps eliminate issues about conflicts. Please let me know when you can talk. Perhaps Justina has already reached out to you.

From: Fugh, Justina
Sent: Monday, March 5, 2018 5:33 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: here are two draft recusals for Peter Wright

We drafted two because his ethics agreement says that he will sell his DowDuPont stock. So the first document is the recusal he can issue on day 1 of joining EPA, while the second document is the one he will issue after he sells the stock. There are some placeholders for dates and names in both documents.
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

DRAFT ... DRAFT ... DRAFT ... DRAFT ... DRAFT ... DRAFT ... DRAFT ... DRAFT ... DRAFT ... DRAFT ... DRAFT

For issuance AFTER he sells the DowDuPont stock

MEMORANDUM

SUBJECT: Recusal Statement

FROM: Peter Wright
Assistant Administrator

TO: E. Scott Pruitt
Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligations to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own bar obligations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

As stated in my ethics agreement sent to the Senate Environment and Public Works Committee, I agreed to forfeit all DowDuPont, Inc. stock options that are unvested at the time of my resignation from DowDuPont and to divest of my vested stock options and stock in

DowDuPont, Inc. within 90 days of my confirmation. As of [date], I have in fact divested of my interests in DowDuPont and, pursuant to a certificate of divestiture issued on [date], I have used the proceeds to purchase non-conflicting assets.

OBLIGATIONS UNDER EXECUTIVE ORDER 13,770

Pursuant to Section 1, Paragraph 6 of the Executive Order, I understand that I have ethics obligations with respect to any former employer during the preceding two years, as well as any organization in which I held a fiduciary duty. For purposes of this restriction, the entities that fall within the prohibition are DowDuPont Inc., the National Association of Wabash Men, and the Lambda Chi Alpha Home Association of Wabash College.

I understand that I am prohibited from participating in any particular matter involving specific parties in which any of the entities listed below is a party or represents a party. My recusal lasts for two years from the date that I joined federal service. I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term "particular matters involving specific parties" is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term "open to all interested parties" means five or more parties.

NAME OF ENTITY	DATE WHEN RECUSAL ENDS
DowDuPont Inc.	[two years from date of appointment], 2020
National Association of Wabash Men, Board of Directors	[two years from date of appointment], 2020
Lambda Chi Alpha Home Association of Wabash College, Board of Directors	[two years from date of appointment], 2020

ATTORNEY BAR OBLIGATIONS

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially while in private practice, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

SCREENING ARRANGEMENT

In order to ensure that I do not participate in the matters relating to any of the entities listed above, I will instruct [name], [title], to assist in screening EPA matters directed at my attention that involve these entities. All inquiries and comments involving the entities on my recusal list should be directed to [name] without my knowledge and involvement until after my recusal period ends.

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If [name] determines that a particular matter will directly involve any of the entities listed on my "specific party" recusal list, then he/she will refer it for action or assignment to another, without my knowledge or involvement. In the event that he/she is unsure whether an issue is a particular matter from which I am recused, then he/she will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates with a copy to Justina Fugh, Senior Counsel for Ethics.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my recusal or screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Ryan Jackson, Chief of Staff
Steven Cook, Deputy Assistant Administrator
Barry Breen, Principal Deputy Assistant Administrator
Justina Fugh, Senior Counsel for Ethics

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For issuance BEFORE he sells the DowDuPont stock

MEMORANDUM

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Assistant Administrator

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I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligations to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own bar obligations.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

As stated in my ethics agreement sent to the Senate Environment and Public Works Committee, I agreed to forfeit all DowDuPont, Inc. stock options that are unvested at the time of my resignation from DowDuPont and to divest of my vested stock options and stock in DowDuPont, Inc. within 90 days of my confirmation. Until I sell the stock, I understand that I am recused from participating personally and substantially in any particular matter, including sector-specific policies and regulations, that would have a direct and predictable effect on the following:

Name of Entity	Date when recusal ends
DowDuPont, Inc.	My financial conflict of interest continues for as long as I own stock in this company. Upon divestiture, I understand that I am still subject to additional restrictions pursuant to Executive Order 13770.
Chemical industry sector	continues for as long as I own stock in the chemical industry sector

Once I have sold the stock, I will update this recusal statement.

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I understand that I am prohibited from participating in any particular matter involving specific parties in which any of the entities listed below is a party or represents a party. My recusal lasts for two years from the date that I joined federal service. I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term "particular matters involving specific parties" is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term "open to all interested parties" means five or more parties.

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If [name] determines that a particular matter will directly involve any of the entities listed on my "specific party" recusal list, then he/she will refer it for action or assignment to another, without my knowledge or involvement. In the event that he/she is unsure whether an issue is a particular matter from which I am recused, then he/she will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates with a copy to Justina Fugh, Senior Counsel for Ethics.

UPDATE AS NECESSARY

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cc: Ryan Jackson, Chief of Staff
Steven Cook, Deputy Assistant Administrator
Barry Breen, Principal Deputy Assistant Administrator
Justina Fugh, Senior Counsel for Ethics

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