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ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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May 30, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

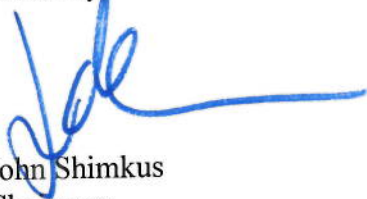
Dear Administrator Pruitt:

Thank you for appearing before the Subcommittee on Environment on April 26, 2018, to testify at the hearing entitled "The Fiscal Year 2019 Environmental Protection Agency Budget."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. Also attached are Member requests made during the hearing. To facilitate the printing of the hearing record, please respond to these questions and requests with a transmittal letter by the close of business on Wednesday, June 13, 2018. Your responses should be mailed to Kelly Collins, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to kelly.collins@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely



John Shimkus
Chairman
Subcommittee on Environment

cc: The Honorable Paul Tonko, Ranking Member, Subcommittee on Environment

Attachments

Attachment 1—Additional Questions for the Record

The Honorable John Shimkus

1. While some are interested in ensuring EPA actions to limit one or more FIFRA-regulated substances, I am more interested in all FIFRA related activities, particularly in view of the uncertainty about the future deployment of user fees now made available under the Pesticide Registration Improvement Act.
 - a. If PRIA fees were to expire:
 - i. Would this mean the reinstatement of tolerance fees?
 - ii. If yes, would the reinstatement of tolerance fees produce enough revenue to ensure the robustness reviews mandated by FIFRA?
 - b. What percentage of staffing expenses are covered by PRIA fees?
 - c. If PRIA fees expire:
 - i. How many EPA employees – both FTE and contract workers – would be impacted, including through the loss of employment?
 - ii. How much in budget resources would EPA need to transfer to OCSPP to make up for lost PRIA revenues for FIFRA activities?
 - iii. What is the impact on the pace of pesticide applications reviews? How much longer will they take?
2. Legislation pending in Congress would provide PRIA fees for another 3 years, but also address other matters as well.
 - a. Please explain the need for and characterize the significance of having, including in practical terms:
 - i. \$500,000 in funding for efficacy guidelines for public health pesticides;
 - ii. \$500,000 for good laboratory practices funding;
 - iii. An increase in maintenance fees from \$27.8 to \$31 million for review and registration;
 - iv. Additional categories and deadlines for products reviewed; and
 - v. Removal of FIFRA section 4(k)(2).

3. Beginning in 2023, the agency will have more flexibility to set targets under the Renewable Fuel Standard (RFS). Given EIA projections of a 31 percent decrease in motor gasoline consumption between 2017 and 2050, based upon increases in fuel economy standards and electric vehicles market penetration:
 - a. Will EPA have authority in 2023 and subsequent years to reduce biofuel volume requirements below the existing statutory guidelines? Could this result in fewer gallons of biofuel in the market in the future than exist today?
 - b. Will EPA have authority in 2023 and subsequent years to allow a RIN to be generated by recharging an electric vehicle with electricity generated from a biogas power plant or other renewable energy source?
 - c. Will EPA have authority in 2023 and subsequent years to reorganize the program's four existing nested categories?
4. Is EPA engaged in planning for 2023 and subsequent years with regard to the agency's reset authority and the RFS? If so, please describe the range of options that EPA is considering.
5. The Folcroft Landfill (Operable Unit 2 of the Lower Darby Creek Superfund Site in Pennsylvania) was placed on the NPL in 2001, and the Remedial Investigation has not been finalized. The July 2017 Superfund Taskforce report recommends inquiry and additional resources for sites on the NPL for five years or more without a significant movement. What inquiries and additional resources have been directed to the Folcroft Landfill which has been on the NPL since 2001 without completion of the Remedial Investigation?
6. The EPA Taskforce Report recommends the establishment of a clarification to the principles for groundwater restoration. What is the goal for groundwater remediation at the Folcroft Landfill (Operable Unit 2 of the Lower Darby Creek Superfund Site in Pennsylvania)?
7. This Operable Unit, which is owned by the Department of the Interior, is within the John Heinz Wildlife Refuge.
 - a. Do EPA's goals for groundwater restoration take into account the Department of Interior's long range plan for the Refuge?
 - b. Is the Folcroft Landfill eligible for a Technical impracticability waiver for groundwater?
 - c. What is the process and standard to receive a TI waiver?
 - d. How would changes to the process and standards for awarding a TI waiver, as recommended by the July 2017 EPA Taskforce Report, impact the Superfund process at the Folcroft Landfill?

8. EPA's recently released proposed rule on increasing transparency in regulatory science states that the proposal is consistent with the requirements for major scientific journals like Science, Nature, and the Proceedings of the National Academy of Sciences.
 - a. Why are more journals and scientific institutions implementing these transparency policies?
 - b. Isn't replication and verification a key step in the scientific process?
9. Despite the many claims made prior to the release of this proposal, would this proposed rule violate any existing federal laws on privacy?
10. What is this proposed rule's impact on confidential business information (CBI)? Please state how you plan to ensure that in any final rule EPA will neither: be (1) prevented from using science that cannot be published (because it has CBI in it) nor forced into the default position that EPA should endeavor to publicly release all scientific data – including legally colorable CBI – so that this science can be used by the Agency?
11. I understand the Agency is looking at its work force to see how it can better function.
 - a. How many people does EPA have working full-time for the Agency in headquarters?
 - b. How many people does EPA have working full-time for it in its regional offices?
 - c. How many contractors currently work for EPA? [if he doesn't know what number ask him for a percentage. If that fails, ask him why not]?
12. One of the priorities for the proposed budget includes an "EPA Reform Plan." Projects under this plan include streamlining the permit review process, developing a Lean Management System, and reducing the reporting burden on the regulated community.
 - a. Why were these areas made priorities?
 - b. What progress has been made so far on these efforts?
 - c. Do you have benchmarks and timelines for the Reform Plan?
13. What are the biggest obstacles to meaningfully reforming EPA to engage the 21st Century?
14. The proposed budget has four Agency Priority Goals, including that EPA intends to meet statutory deadlines for chemical reviews under the Toxic Substances Control Act. In particular, EPA plans 100 percent compliance with "existing" chemicals and only 80 percent compliance certain "new" chemicals.

Under the law, EPA is the gatekeeper to innovation because these chemicals cannot go to onto the market until EPA decides they can and companies cannot work to improve these chemicals unless EPA says there is a problem.

As of April 17, 2018, EPA's website was reporting that EPA had 449 pending applications for new chemicals. In addition, the EPA website claims the typical caseload for new chemicals under review is approximately 300 cases.

- a. Is the increase in pending applications – at one-third of EPA's historical output, due to a higher number of new chemicals applications coming into the Agency at the same time or EPA falling behind again on getting them processed?
 - b. What do you intend to do to eliminate the backlog and keep it at bay?
 - c. One thing the EPA website does not give data on is just how long some of those applications have been sitting at EPA. The law is very clear 90 days and no more than 180 days to review and regulate.
 - i. How many of the 449 new chemicals applications sitting at EPA are less than 90 days old?
 - ii. How many of the 449 new chemical applications sitting at EPA are more than 90 days old, but less than 180 days?
 - iii. How many of the 449 new chemical applications have been filed with EPA for more than 180 days and what is the range of time on them?
15. Under TSCA section 26, the Agency has authority to set fees to defray the costs of chemical testing, new and existing chemical review and regulation and to offset related costs for processing confidential business information. For new chemicals, EPA moved the fee from \$2,500 to \$16,000 – a more than 6-fold increase – and for small manufacturing entities – EPA raised the fee for new chemicals from \$100 to \$2,800 – or a 28-fold increase.
- a. How much impact with these dramatic fee increases have on improving the speed at which the Agency is reviewing new chemicals?
 - b. If not much, then what is the problem?
16. The proposed fee rule suggests EPA will see 10 percent fewer new chemical applications based on legal changes to how EPA is supposed to review new chemicals. What kind of new chemical applicant attrition is expected due to the combined fee increase and lack of generated revenue from the chemical?
17. Portland Harbor is complex site at which almost 100 potentially responsible parties (PRPs) have been identified. It is my understanding that on March 16, 2018, EPA sent all of the PRPs a letter indicating that EPA will be issuing Special Notice Letters for full performance of the remedial design/remedial action (RD/RA) at the Portland Harbor Site by the end of 2019. However, several of the PRPs have indicated that the allocation process will not be complete by that time, and that the issuance of Special Notice Letters will actually slow the clean-up, because companies will choose to litigate rather than potentially bear the full cost

of the clean-up at that point. How will EPA balance the allocation process timeline and issuing the Special Notice Letters?

The Honorable David B. McKinley

1. I appreciate your commitment to supporting cooperative federalism under the Coal Combustion Residuals (CCR) permitting program by working with states to develop, submit, and implement state CCR permit programs. How is EPA working with states as they develop and submit these plans, particularly those that are seeking to incorporate WIIN Act authorities rather than just adopting the current, self-implementing federal rule?
2. As states develop these programs, guidance from EPA will be important. With that in mind, Congress appropriated \$6 million to EPA for FY18 to develop its own federal permitting program for "non-participating states". Please provide an update on and timeline for the development of that federal permit program.

The National Association of Scholars recently published a report titled, "THE IRREPRODUCIBILITY CRISIS OF MODERN SCIENCE, Causes, Consequences, and the Road to Reform". They state, "The Federal government should also consider instituting review commissions for each regulatory agency to investigate whether existing regulations are based on well-grounded, reproducible research. These should establish the scope of the problem by identifying those regulations that rely on unreplicated or irreproducible research, and recommending which regulations should be revoked."

3. Will you commit the EPA to investigate whether existing regulations are based on well-grounded, reproducible research?
4. Will you commit the EPA to identify those regulations that rely on un-replicated or irreproducible research?
5. Will you provide a report to our committee and my office with the results of your investigation?
6. Will you provide a report to our committee and my office regarding if the endangerment finding for CO2 was based upon well-grounded, reproducible research?

Administrator Pruitt, I know that the ethanol industry has recently attacked the EPA for granting small refinery hardship relief.

7. Does the Clean Air Act establish small refinery hardship relief?
8. Has the Congress affirmed this on several occasions by directing the DOE to study this issue and, more recently, reminding the EPA that it did not intend for small refineries to bear a disproportionate regulatory burden?
9. Did the DOE's 2011 report for Congress predict that harm to small refineries would increase over time, not diminish?

10. Did the 10th circuit decision last year instruct the EPA to grant small refinery hardship relief?

Some have made the argument that hardship relief results in “demand destruction” for ethanol by resulting in less blending. Regardless of if small refineries receive hardship relief, they are incentivized to blend ethanol for many economic reasons: 1) it is cheaper than gasoline, 2) they must meet their RVO, and 3) they can sell RINS not needed for compliance.

11. Was ethanol consumption up in the first quarter of 2018?

12. Was it, in fact, higher than projected in November of 2017 when RINS were 80-90 cents a gallon?

13. Did ethanol consumption increase throughout 2017 despite hardship relief?

President Obama used an EPA “veto” twice in unprecedented fashion. The Spruce Coal Mine located in West Virginia, had the required permits and approvals in hand, when the EPA “vetoed” the project. The project went through the entire regulatory process and was approved by ALL parties. Then the Obama Administration’s “War on Coal” went into high gear. The EPA vetoed the project. The second instance was the Pebble Mine in Alaska, where they vetoed the project prior to the approval process starting. Both instances of using the EPA veto are very dangerous if they are allowed to stay in place. A future administration can use the veto to shut down the entire coal mining industry if both precedents are not reversed by the EPA. I can think of no greater threat to the industry.

14. Will you consider revoking both the Spruce Mine and Pebble Mine vetoes?

15. Do you believe that the EPA should have the authority to preemptively veto development projects under Section 404 of the Clean Water Act before any permit applications have been submitted to the Army Corps of Engineers?

16. President Trump, in his Infrastructure Initiative, has proposed legislation that eliminates entirely EPA’s authority to veto projects under the Clean Water Act. Why have you taken a position, by leaving in place the Pebble veto, that is different than the President’s policy?

17. Isn’t it correct that under the applicable regulations the Army Corps of Engineers cannot issue a permit to a project developer if the EPA has even begun the process of issuing a veto?

18. Is there any environmental harm that occurs whatsoever by allowing a permit application to be considered by the Army Corps of Engineers without a veto pending?

19. Isn’t it better to wait until the Army Corps of Engineers has decided whether to grant a permit before EPA issues a veto, if one is to be issued at all?

20. Has EPA ever before issued a preemptive veto of the sort you have left in place with your decision not to withdraw the veto of the Pebble mine?

21. In the Agency's decision not to withdraw the preemptive Pebble veto, you cited the risk created by the project. In doing so, you are relying on the Bristol Bay Watershed Assessment, which many of the Agency's own peer reviewers said was insufficient to support a regulatory decision. Why are you relying on science that has been discredited?

The Honorable Gregg Harper

1. Does the Clean Air Act establish small refinery hardship relief?
2. Has the Congress affirmed this on several occasions by directing the DOE to study this issue and, more recently, reminding the EPA that it did not intend for small refineries to bear a disproportionate regulatory burden?
3. Did the DOE's 2011 report for Congress predict that harm to small refineries would increase over time, not diminish?
4. Do small refineries typically produce more diesel than gasoline?
5. Blending gasoline with ethanol to current standards will separate more RINs than blending the same volume of diesel. EPA's RVO calculation, however, imposes the same proportional ethanol RIN obligation on all refiners even though some produce significantly less gasoline and more diesel than others. Even if they blend all their production, these diesel rich refiners cannot separate enough RINs to meet their total obligation while their gasoline rich competition will separate more than required. These refiners who produce more diesel are then forced to buy RINS.

Does the hardship process give EPA a tool to mitigate this structural discrimination against these small refineries?

6. RFA has made the argument that hardship relief results in "demand destruction" for ethanol by resulting in less blending. Regardless of whether or not small refineries receive hardship relief, they are incentivized to blend ethanol for a number of economic reasons: 1) it is cheaper than gasoline, 2) they must meet their RVO, and 3) they can sell RINS not needed for compliance.
 - a. Was ethanol consumption up in the first quarter of 2018?
 - b. Was it, in fact, higher than projected in November of 2017 when RINS were 80-90 cents a gallon?
 - c. Did ethanol consumption increase throughout 2017 despite the EPA granting small refinery hardship relief?
7. Some of my constituents have raised an issue regarding oil spill response training. I am told that the funding for certain training courses for federal and local responders involved in

inland oil spill prevention and cleanup has been eliminated and that the EPA Environmental Response Team is no longer able to consistently make these courses available.

- a. With an increase in oil production across the country, there remains a need for oil spill response training for local, state, and federal responders. Would you commit to looking into whether funding can and will be made available for this important training?
8. I want to applaud the work EPA is doing to streamline or eliminate unnecessarily costly regulations. And while most of the attention is focused on major rules like the Clean Power Plan or Waters of the United States, I am particularly pleased that under your leadership EPA is taking a second look at other regulations that may not be major but nonetheless have a serious impact on small businesses. In particular, I hear that EPA is reviewing the Obama era rule targeting wood heater manufacturers such as Hardy Manufacturing back in my district. But time is of the essence, as the regulatory deadlines are coming soon. Can you assure us that you will do all you can to provide timely regulatory relief for wood heater manufacturers?

The Honorable Tim Walberg

1. This is a very technical issue but an extremely important one to manufacturers in Michigan. In 2011, EPA approved the use of Isobutane as a refrigerant and limited the amount of refrigerant that could be used in a refrigerator to 57 grams. This amount was based on a well-recognized safety standard limit at the time. However, the safety standard has since been updated to increase the allowable amount of refrigerant to 150 grams. These refrigerants are more environmentally friendly and supported by both industry and environmental advocates yet manufacturers are still in limbo as they await EPA's rulemaking.
 - a. Can you commit to working on this issue to recognize the updated safety standard so manufacturers can begin retooling and redesigning refrigeration products? Delay will only add cost to American workers and our manufacturing shop floors.
 - b. I know you have a lot of issues to deal with at the EPA, but I urge you to publish the technical correction without delay. It's my understanding refrigerator manufacturers have been working with your staff at the EPA for over a year now on this and would welcome the update.
2. ENERGY STAR is an important program and one that consumers in my district value. Over the past year, manufacturers in my state have stressed the need for the program to be reformed. In the FY18 Omnibus Appropriations package, EPA and DOE were directed to revisit the Obama era Memorandum of Understanding (MOU) that changed the way the program was managed and report back to Congress within 90 days.
 - a. The 2009 MOU for example moved home appliances out of DOE and over to EPA, where the products had never been managed before. DOE has the expertise in these

products because they regulate them through the appliance standards program required by EPCA. It doesn't make sense to me to have duplicative programs built up within two agencies. From a good governance perspective and in the era of streamlining programs under the EPA's purview, I would like to hear from you on this specific topic.

- b. Would you support moving the ENERGY STAR program for home appliances back to DOE while still maintaining a majority of the management within EPA? It's my understanding a broad set of industries are eager to work with your agency on these issues and I look forward to working with you to revisit the MOU.

The Honorable Earl L. "Buddy" Carter

EPA Marine Engine Waivers

In a recent Energy & Commerce Committee hearing, you mentioned that you would now be personally involved in the marine engine waiver issue for pilot boats, after giving the commitment to look into in your December testimony from the committee. This is a pressing issue that could have a wide-ranging impact on our port operations and growth.

1. Mr. Administrator, can you please provide a breakdown of the actions the EPA has taken to address the Tier 4 concerns?
2. Please provide a timeline of what the EPA has done and any upcoming actions that will be taken by the EPA to address this concern.
3. After you send technical experts to California, what will need to be done?
4. Does the EPA have the authority to move forward with a waiver system? If not, what are your legal restrictions?

Tier 4 Restrictions for Generators

1. Administrator Pruitt, I have a similar concern for the Tier 4 restrictions placed on large, 1-megawatt generators. It's my understanding that the Tier 4 restrictions are preventing Tier-4 generators from being sold in the market due to that and the portability restrictions. It's forecasted that there won't be a viable solution in the market until the early 2020s. Is this something you are working on?
2. What would need to be done by the EPA to remedy this situation and allow for the sale of currently developed generators?
3. Is the EPA currently reviewing this concern or working on any changes that would remedy it?

Biomass

I commend you for your policy statement clarifying biomass carbon neutrality on Monday, April 23 in my home state of Georgia. As you know, the Consolidated Appropriations Act of 2018 included language in Section 431 Policies Relating to Biomass Energy directing the Secretaries of Energy and Agriculture and the Administrator of the Environmental Protection Agency to establish clear and simple policies that reflect the carbon-neutrality of forest bioenergy and recognize biomass as a renewable energy source provided the use of forest biomass does not cause the conversion of forests to non-forest use.

1. What is the EPA's progress in implementing a regulation on carbon neutrality of biomass?
What are the next steps?

The Honorable Jeff Duncan

Some of my corporate constituents are subject to complex and, at times, inconsistent regulation by the Environmental Protection Agency. Inconsistent actions or interpretations by EPA are particularly burdensome to my constituents when the Agency's Policy and Enforcement Offices take positions that are at odds with each other. To that end, please explain whether, and to what extent, EPA's Office of Enforcement and Compliance Assurance ("OECA") consults with EPA's Office of Transportation and Air Quality ("OTAQ") prior to initiating any enforcement action involving a certification issued by OTAQ (for example, an enforcement action alleging uncertified engine parameters).

1. In addition, what steps can be taken by EPA to improve and streamline consultation between OTAQ and OECA to avoid unnecessary hardship on the regulated community?

During the last Administration, many Energy Star program operations were shifted from the Department of Energy, where they had been since 1996, to EPA. I understand from home appliance manufacturers that they would like Energy Star efforts related to home appliances transferred back to the DOE. One of these is Electrolux, a home appliance manufacturer that has a large presence in my district in Anderson, SC. This is an important issue for South Carolina as we have recently seen a great deal of investment in the home appliance industry. In Newberry, SC Samsung recently opened its first U.S. based home appliance manufacturing facility and is on track to create over 1,000 jobs by 2020.

1. With the Appliance Standard program at DOE and Energy Star at EPA, companies currently have two federal agencies attempting to coordinate changes in product specifications and test procedures on the same products. This creates unnecessary cost, confusion and uncertainty for manufacturers and does not appear to bring any benefit to consumers. **Administrator Pruitt**-are there any efforts to make such a change?
2. Wouldn't this change fit in with your desire to get EPA back to its core functions?

The Honorable Frank Pallone, Jr.

During your appearance on April 26th, you stated that purchasing real estate through a Limited Liability Corporation, or LLC, is “normally how you buy real estate in Oklahoma.” Your ownership stake in that LLC was not included in your financial disclosures at the time.

1. How often have you purchased real estate through an LLC?
2. Do you currently own property through an LLC or have a stake in an LLC that owns property?
3. Please list all property you have purchased and/or owned a stake in through an LLC.
4. Please explain why your ownership stake in Capital House, LLC was not listed in your financial disclosures at the time.

Also at the April 26th hearing, you disavowed knowledge of whether you had paid taxes on the income from your ownership stake in Capital House LLC. You said “you provide information to your accountant, they determine what you pay.”

5. Did you sign your tax filings for the years in question? Do you take responsibility for the accuracy of the information contained therein?

Extensive questions have been raised about your tax liability for the expenses of your security detail when they accompanied you on personal travel, including to Disney World and the Rose Bowl.

6. Did you pay taxes on that benefit?

It has been revealed that the EPA reimbursed your former landlord, Vicki Hart, for the repair of a door at your residence.

7. Did you reimburse the EPA for that expense?
8. If not, did you pay taxes on that income?

During the Administrator’s April appearance before the Subcommittee, Chairman Walden underscored the importance of staffing and internal management issues at EPA, stating “it is essential that EPA have the staff with proper expertise, implementing and enforcing programs that correlate with their experience.”

9. Please provide the Committee a copy of the EPA’s reorganization plan submitted to OMB pursuant to Executive Order 13781, including any interim and final drafts submitted to OMB.
10. Please provide the Committee a copy of the EPA reform plan.
11. Explain the similarities and differences between the reform plan and the reorganization plan.

12. Please provide the Committee a copy of the EPA's operating plan for new hires and indicate how many new employees EPA plans to hire in each program office.
13. Please provide the Committee with the names of political and career members of the hiring review panel.
 - a. On what criteria were the panel members chosen?
 - b. What procedures do the offices need to do to make a hiring request of the panel?
14. When filling a position from within the agency, how is it determined a staff member possesses the technological skills appropriate for the office of which they are being transferred?
15. Please provide the following information:
 - a. FTE on EPA payroll in regional offices and in HQ.
 - b. The number of employees that have left the EPA through attrition during 2017 and 2018, and the numbers from each office.
 - c. Please provide a list of employees that have been moved to a new position within the agency, including their previous office, title, position description, and their new office, title, and position description.
 - d. The predetermined employee headcounts for each office.

The Honorable Bobby L. Rush

During the question period I spoke to you about the widespread levels of lead that have been detected throughout homes in Chicago and I referenced a recent Tribune article entitled "Brain-damaging lead found in tap water in hundreds of homes tested across Chicago, results show" (April 12, 2018).

You agreed with me that this was a severe problem, nationally, and it would cost approximately \$45 billion to resolve. You mentioned that there was a program at the agency consisting of \$4 billion in grants, annually, for ten years that states could apply for to address this issue.

1. Can you provide more information regarding this program, including eligibility requirements, deadlines, and the dollar amounts available?
2. Will you commit to work with my office to have staff from EPA Region 5 come into my district to discuss this program with state and local leaders, as well as other stakeholders concerned with this issue?

The Honorable Diana DeGette

1. I questioned you about your legally dubious real estate transactions, but further information is needed in light of your incomplete answers and troubling new developments.¹

In your testimony before the Subcommittee, you failed to disclose significant details concerning your 2003 purchase of a luxury home in Oklahoma City. According to a recent report in the *New York Times*, you purchased the home with Justin Whitefield, a registered lobbyist who, at the time, was pursuing business-friendly changes to Oklahoma's workers' compensation rules, which you allegedly helped negotiate.² Mr. Whitefield, yourself, and four other owners reportedly used a limited liability company, Capitol House L.L.C. (Capitol House), to purchase the home.³ The seller, Marsha Lindsey, was a telecommunications lobbyist for SBC Oklahoma, and sold the property at a significant discount of approximately \$100,000.⁴ SBC Oklahoma reportedly offset this amount in Ms. Lindsey's retirement package.⁵

Your incomplete testimony leaves key questions unanswered concerning this transaction. You allegedly paid for one-sixth of the purchase price, and according to reports, you purchased the home with Kenneth Wagner, who now serves as a political appointee at EPA and previously served as treasurer of your political action committee,⁶ as well as health care executive Jon Jiles.⁷ However, the identity of two additional owners remains unknown.

You also apparently failed to disclose your interest in Capitol House in your financial disclosure filings, and in your testimony could not confirm whether you paid taxes on rental income received for a room on the property rented to another Republican lawmaker.⁸

Given your history of real estate transactions with lobbyists both in Oklahoma during your tenure as a state legislator and in Washington, D.C. while serving as EPA Administrator, and in light of these troubling developments, I ask that you respond to the following requests:

¹ House Committee on Energy and Commerce, *Hearing on the Fiscal Year 2019 Environmental Protection Agency Budget*, 115th Cong. (Apr. 26, 2017).

² *Pruitt's Coziness with Lobbyists Includes Secretly Buying a House with One*, New York Times (May 3, 2018).

³ *Pruitt's Coziness with Lobbyists Includes Secretly Buying a House with One*, New York Times (May 3, 2018).

⁴ *Pruitt's Coziness with Lobbyists Includes Secretly Buying a House with One*, New York Times (May 3, 2018).

⁵ *Pruitt's Coziness with Lobbyists Includes Secretly Buying a House with One*, New York Times (May 3, 2018).

⁶ *Pruitt's Friend Joins Agency as Senior Adviser*, E&E News (Apr. 13, 2017).

⁷ *Pruitt's Coziness with Lobbyists Includes Secretly Buying a House with One*, New York Times (May 3, 2018).

⁸ *Scott Pruitt Before the EPA: Fancy Homes, a Shell Company and Friends with Money*, New York Times (Apr. 21, 2018).

- a. Please provide the names and corresponding ownership share of all owners of Capitol House.
- b. Please provide documentation of your payment for and purchase of an ownership share in Capitol House, including the terms of the payment and the individual or entity who received the payment.
- c. Please provide copies of your financial disclosures disclosing your ownership interest in Capitol House.
- d. Please provide the name of the individual(s) who arranged for cash purchase of the Oklahoma City property and subsequent transfer of ownership to Capitol House.
- e. Please provide the name of the individual(s) who requested or arranged for Spirit Bank, where former EPA appointee Albert Kelly was chief executive, to approve a mortgage in the name of Capitol House.
- f. Please provide documentation demonstrating you paid taxes on all rental income received from Jim Dunlap or any other tenant who rented space on the property, including, but not limited to, Schedule K-1 tax forms.
- g. Please provide documentation of any proceeds you received for the 2005 sale of the property, including the amount and date received.

The Honorable Janice D. Schakowsky

1. **Speeches:** Please provide the date, location, name of event, and text for all speeches you have given to industry associations (e.g. Louisiana Chemical Association) in your capacity as EPA Administrator.
2. **Official vehicle:** During the hearing, you stated that EPA staff “just asked for consultation” on the selection of your official vehicle. During this consultation, did you or people responding on your behalf express a preference for a larger vehicle, leather interior, bucket seats, Wifi, GPS navigation, or any other luxury features that were ultimately included in the vehicle selected?
3. **Samantha Dravis:**
 - a. At any time during Samantha Dravis’s employment at EPA, was she employed or compensated using authority under the Safe Drinking Water Act?
 - b. How much was Samantha Dravis compensated during the three months from November 2017 to January 2018?

- c. According to the EPA's own spokesperson, Ms. Dravis was a "senior leader at the EPA." Do you have record of meetings attended in person or substantial projects completed by Samantha Dravis during the three months from November 2017 to January 2018? If so, please summarize. Please provide all records of meetings attended in person or substantial projects completed, as well as any emails between Administrator Pruitt and Ms. Dravis concerning her attendance or departure from the EPA.
- d. Was Samantha Dravis approved for first class travel to or from Morocco in December 2017? If so, who at EPA approved first class travel and on what date?

The Honorable Paul Tonko

1. Strengthening Transparency in Regulatory Science Proposed Rule

- a. Please cite specific provisions in statute that require EPA to make the changes proposed in the Strengthening Transparency in Regulatory Science rule?
- b. Do any of the statutory authorities identified by the proposed rule include the ability to grant exemptions to the treatment of science at the Administrator's discretion to address issues on a case-by-case basis?
- c. What science organizations or stakeholder groups were involved in the development of this proposed rule? Please provide a list of all meetings, including teleconferences, with these organizations, including the date, and the name, title, and organizational affiliation of participants.
- d. Previously, EPA analyzed legislation (The HONEST Act) that would have similar goals and estimated it would cost \$250 million annually to implement. Did EPA develop any cost estimates to implement the proposed rule?
- e. If so, please provide any cost analysis completed regarding the proposed rule.
- f. Why did EPA conclude this is not an economically significant rulemaking? Please explain EPA's analysis associated with this conclusion.
- g. Please provide a list of all key meetings and determinations made for this rulemaking during the Action Development Process, including the rulemakings tier, meeting dates and participants in any intra-agency work group meetings, and a list of EPA offices which participated in the development of the rulemaking. For each office, please provide the name, title, and office of each work group participant.
- h. Did EPA examine lost benefits or costs associated with EPA's inability to consider certain scientific studies as a result of this proposal?
- i. If so, what analysis was done on costs or lost benefits, and what were the results?

- j. Many older studies may rely on data that are no longer available. Does EPA have any estimates or analysis of how many studies would be disqualified to be used for major rulemakings under this proposal?
- k. How long did the Office of Information and Regulatory Affairs (OIRA) take to complete its review of the proposed rule? Please provide the date OIRA accepted and began review, and the date OIRA completed review.
- l. Did EPA or other executive officials have any communication with the Office of Information and Regulatory Affairs to accelerate this review? If so, please provide the name and title of these individuals.
- m. Was the Office of Information and Regulatory informed by any EPA official that Administrator Pruitt would be testifying before Congress one week after submitting this proposed rule?
- n. Office of Information and Regulatory Affairs reviews of similarly complex rules often take months to complete. What specific factors allowed this review to be completed so quickly?
- o. The proposed rule solicits comments in numerous areas, indicating it hopes to develop answers during the regulatory process. Proposals with so many outstanding questions are often released as Advanced Notice of Proposed Rule Makings. Why did EPA propose this as a Notice of Proposed Rulemaking with so many outstanding questions included?
- p. Did the Office of Information and Regulatory Affairs ask EPA to issue an Advanced Notice of Proposed Rulemaking instead? If so, when was this request made and who at OIRA made this request?

2. Science Advisory Boards (SAB)

- a. How many current members of EPA Science Advisory Boards are expected to cycle off before the end of this year?
- b. Since joining the agency, has Administrator Pruitt requested EPA career staff in the SAB Staff Office to provide recommendations for board appointments?
- c. If so, how many of those recommendations have been accepted of the total amount of new appointees.
- d. How many EPA Science Advisory Board members have been appointed without input by the SAB Staff Office?
- e. How many issues went before EPA Science Advisory Boards or the Clean Air Scientific Advisory Committee (CASAC) for review in each year for the past five years?

- f. Does the Administrator plan to seek SAB or CASAC review of the recently proposed Strengthening Transparency in Regulatory Science rule?
- g. Does the Administrator plan to seek SAB or CASAC review on any climate change issues?
- h. Does the Administrator plan to seek SAB or CASAC review on any aspect of the long-term economic costs and benefits of any changes that have been made or are being proposed under his tenure at EPA?

3. The Frank R. Lautenberg Chemical Safety for the 21st Century Act Implementation

- a. What steps has EPA taken to ensure new and existing chemical reviews include explicit considerations to protect vulnerable populations, as required by statute?
- b. In November, Administrator Pruitt and EPA staff attended an American Chemistry Council board meeting on South Carolina's Kiawah Island. The Administrator's schedule contains no details of that weekend. Please provide a list of all companies or lobbyists that met with the Administrator in South Carolina.
- c. Please provide a list of all chemicals specifically discussed at meetings attended by the Administrator at this event.

4. Formaldehyde Assessment

- a. Earlier this year, Administrator Pruitt was asked by Senator Ed Markey at the Senate Committee on Environment and Public Works hearing on 1/30/18 about the delayed formaldehyde assessment. At that hearing, Administrator Pruitt said, "Senator, I commit to you that I will look into that and make sure your office is aware of what we have and when we can release it." Please provide an update on the status of the formaldehyde assessment.
- b. Has EPA concluded its intra-agency review process?
- c. What additional reviews are needed before it can be finalized?
- d. When does EPA expect the final report to be released?

5. EPA Year in Review 2017-2018 Report

- a. The "EPA Year in Review 2017-2018" report states, "In year one, EPA finalized 22 deregulatory actions, saving Americans more than \$1 billion in regulatory costs." Please provide a list of each of these actions along with EPA's analysis of the regulatory cost estimate for each action.

6. Lead and Copper Rule

- a. EPA undertook efforts to revise the Lead and Copper Rule more than 13 years ago. In October 2016, the EPA published a white paper on the revisions that included a pledge to issue a proposed rule by the end of 2017. That deadline has passed. When does EPA expect to issue a proposed rule?
- b. Has EPA conducted any analysis on how the proposed “Strengthening Transparency in Regulatory Science” rule may impact its ability to regulate lead in drinking water?

7. PFAS

- a. EPA announced a National Leadership Summit on Per- and Polyfluoroalkyl Substances (PFAS). What options has EPA discussed internally to regulate or reduce PFAS contamination in drinking water?
- b. What options have been discussed by staff of EPA and the Department of Defense?
- c. Has EPA conducted any analysis on how the proposed “Strengthening Transparency in Regulatory Science” rule may impact its ability to regulate PFAS in drinking water?

8. Funding for the Office of Inspector General

- a. The Fiscal Year 2019 budget request includes a significant proposed cut to the EPA Office of Inspector General (OIG). In November 2017, in OIG’s Semiannual Report to Congress, it was reported that “OIG submitted an FY 2019 request for \$62 million to the agency for inclusion in the President’s budget. Without seeking input from the OIG, the agency provided us with a request of \$42 million.” In February, the White House requested only \$37.5 million for the OIG. What was the justification for reducing appropriations and FTEs in the FY 2019 budget request for EPA OIG?
- b. Did the EPA defend its \$42 million request to the Office of Management and Budget?

9. Freedom of Information Act

- a. It has been reported that political appointees’ role in reviewing documents requested under the Freedom of Information Act has increased significantly during Administrator Pruitt’s tenure. Please describe the process for “awareness reviews” or “senior management reviews” conducted by political appointees before EPA releases documents involving Administrator Pruitt, including the names and titles of all EPA political appointees who participate.
- b. Please explain EPA Chief of Staff Ryan Jackson’s role in conducting awareness reviews. How many FOIA awareness reviews has Mr. Jackson completed, and in

how many instances did Mr. Jackson instruct that information be withheld, redacted, or altered prior to public release?

- c. Have any other political appointees ever sought to alter, redact, or withhold portions of a FOIA disclosure following an awareness review?
- d. Please provide the start date, end date, and length of review for all awareness reviews conducted during Administrator Pruitt's tenure at EPA.
- e. Have any of these reviews resulted in a missed FOIA deadline to release documents? If so, please provide details for each instance.
- f. Please explain the rationale for moving the National FOIA office into the Office of General Counsel.
- g. Please explain the role of EPA political appointees Matthew Leopold, Eric Baptist, Marcella Burke, David Fatouhi, and Justin Schwab in the FOIA review process, including any instance where any of these individuals withheld, delayed, redacted, or altered prior to public release?

10. International Travel

- a. According to EPA emails released under a Freedom of Information Act request, on July 10, 2017, Mr. Matthew Freedman was involved in the planning of the Administrator's potential trip to Australia. Mr. Freedman wrote to EPA staff, "[Richard Smotkin] and I will attend and will be present but will not be listed as members of the delegation." It has been reported that Mr. Richard Smotkin was also involved in the planning of the Administrator's December trip to Morocco. Did Mr. Smotkin meet with Administrator Pruitt or any EPA staff, in official meetings or otherwise, during the Administrator's trip to Morocco?
- b. If so, please provide a full list of meetings between Mr. Smotkin and any EPA officials in Morocco, including any meetings with EPA officials and Moroccan government officials, during official business or otherwise.
- c. Please provide a list of all attendees for any meeting identified in (b).
- d. Recent press accounts indicated Administrator Pruitt and EPA staff missed their connecting flight to Morocco because his security detail's equipment and other gear could not be transferred to the connecting flight in time. This differs from earlier explanations from EPA that the connecting flight was missed due to weather. Please explain why Administrator Pruitt and EPA staff missed their connecting flight.

11. Security

- a. In March, Administrator Pruitt told CBS News, "The quantity and the type of threats I've faced are unprecedented." These threats have been used to justify costly security

measures, including first-class travel and full-time protection by a 20-member security detail. How does EPA catalogue threats against officials, including the Administrator?

- b. What office is primarily responsible for identifying these threats?
- c. What office is primarily responsible for investigating these threats and determining their legitimacy?
- d. Please describe the role in EPA security assessment, investigation, and response of each of the following offices: the Protective Security Detail, the Office of Homeland Security Intelligence Team, the Office of Inspector General, and any other EPA entity that has responsibilities related to the Administrator's security?
- e. If threats are deemed to be serious, are they referred to the FBI or another law enforcement agency outside of EPA?
- f. Which EPA office determines whether or not to refer threats?
- g. On how many occasions did such a referral occur in 2017 and 2018?
- h. What spending decisions related to security require sign-off by the head of the Administrator's security detail?
- i. When did Mr. Nino Perrotta take over the role referenced in (h)?
- j. Before Mr. Perrotta took over this role, who was responsible for those duties?
- k. Why and when was the previous head of the Administrator's security detail removed from that position?
- l. If that employee continued to work at EPA, to where was he reassigned and what is his current employment status?
- m. How many EPA security officials hit the \$160,000 annual salary cap due to overtime last year?
- n. How does that compare to each of the previous 5 years?
- o. On May 1, 2017, Mr. Perrotta sent a memorandum requesting Administrator Pruitt be seated in first or business class on official travel. On how many instances before this memorandum did the Administrator travel in first or business class on official travel?
- p. On how many instances after this memorandum did the Administrator travel in first or business class on official travel?

- q. How many times and on what dates did EPA security officials travel with the Administrator for nonofficial business, where the Administrator paid for his own travel expenses?
- r. What was the total cost for security officials' airfare, hotel, and per diem for each of these instances?
- s. Which EPA employee(s) approved the EPA payment to Mrs. Vicki Hart to compensate for a broken door at her condo?
- t. Was Administrator Pruitt involved with or notified about that payment?
- u. It has been reported that EPA entered into a new vehicle lease for a Chevrolet Suburban at \$10,200 annually. This lease was reportedly for a more upscale LT model, instead of the LS model typically leased and included monthly charges of \$300 for luxury upgrades. What were the terms and rate of the previous vehicle used by the Administrator, and what was the rationale for these upgrades?

12. The Administrator's Housing Arrangement

- a. It has been reported that the Administrator's original lease with Mrs. Vicki Hart ended at the end of April 2017, but he did not move out of that condo until later in the year. What were the terms of extending the lease?
- b. On what date did Administrator Pruitt move out of the condo owned by Mrs. Hart?

The Honorable David Loebsack

Administrator Pruitt, as I indicated to you at the hearing, I have a lot of concerns about the way in which the small refinery exemptions within the Renewable Fuel Standard (RFS) program have been handled by the Environmental Protection Agency (EPA). There needs to be much more transparency and public accountability in the with respect to the small refinery waiver exemptions. Please provide responses to the following questions regarding small refinery exemptions within the RFS.

- 1. What is the total number of refinery waiver applications that EPA received in each year from 2013 through 2017?
- 2. For each year from 2013 through 2017, how many waivers did the EPA grant?
- 3. What companies have received waivers for each year from 2013 through 2017?
- 4. What is the total volume of biofuel obligation represented by the waivers granted for each year 2013 through 2017?

5. What is the EPA process for confirming that each applicant falls beneath the 75,000-barrell throughput capacity?
6. Please confirm how the gallons waived under the small refinery exemption process are handled. Are the gallons reassigned to remaining obligated parties for blending? Are they reassigned within the same compliance year? If they are not reassigned to the remaining obligated parties, what is the disposition of those gallons relative to the overall renewable volume obligation set in the annual rule?
7. Did you inform President Trump or White House staff of the unusually large number of small refinery exemptions EPA was granting and of the potential effects on the renewable fuel market of exempting additional gallons and facilities and the fact that these actions would not be well received by the agricultural community?
8. EPA claimed recently that the Agency did not change the criteria for granting exemptions from those used in past years. Yet, numerous press reports indicate the Agency has granted almost double the amount of waivers than have been granted in past years. What is your explanation for the Agency's granting of an unusually high number of waivers under this program as compared to past years? If the Agency is applying different criteria, please provide an explanation of the changes and the justification for initiating the new criteria.
9. Did EPA consult with the Department of Energy on each of the applications for a small refinery exemption for 2016 and 2017? For how many of the applications reviewed by DOE for these two compliance years did EPA disagree with DOE's recommendation to grant or deny the exemption?

The Honorable Joseph Kennedy, III

1. What precipitated the need for a secure phone booth inside of your office? You repeatedly have placed blame at the feet of your staff for the exorbitant \$43,000 cost of the phone booth, but it was you yourself who instructed your staff to find a way to create a secure communications line in your office in the first place. Why do you need that secure line? What is the nature of the phone calls you are making that require an additional "secure" phone line while already in the privacy of your own office? If your office does not provide sufficient privacy, why is one of the two Secure Compartmented Information Facilities (SCIFs) inside the EPA headquarters not sufficient?

Attachment 2—Member Requests for the Record

During the hearing, Members asked you to provide additional information for the record, and you indicated that you would provide that information. For your convenience, descriptions of the requested information are provided below.

The Honorable Bill Johnson

1. I know that the EPA has expressed interest in finding a resolution to some of the concerns regarding EPA's current brick MCT rule which was issued in 2015. Would you commit to working with me and this committee in providing further information on this work and any potential possibilities?

The Honorable Bill Flores

As the American people are well aware, the EPA under the Obama administration abused environmental regulatory process by ignoring congressional statutes any by circumventing the U.S. Constitution. Fortunately, the federal court system stepped in to protect American families from this abuse of the law. In this regard I have the following questions:

1. Can you provide this committee with a list of those overreaching and overturned regulations that were overturned by the court systems?
2. Can you provide this committee with the economic cost of those overturned regulations?
3. Can you also inform the committee about EPA's actions, if any, to modify those regulations so those overreaching regulations to conform with the rule of law?

The Honorable Richard Hudson

1. Was GenX used in a manner that was incompatible with the consent agreement under the Toxic Substances Control Act?

The Honorable Doris O. Matsui

1. You said the EPA has data supporting your decision to revise emission standards for light duty vehicles. Will you commit to providing that data to both side of the committee?

The Honorable John P. Sarbanes

1. Did Carl Ichan's company apply for a waiver from ethanol blending requirements for any of its refining facilities?
2. Did Carl Ichan's company receive a waiver for any of its refining facilities?

The Honorable Tony Cardenas

1. In regard to your lease, can you provide the written statement from the attorneys after reviewing it?

The Honorable Debbie Dingell

1. In regard to the January 25, 2018 guidance to reverse the longstanding once in, always in policy for major sources of hazardous air pollutants, did EPA determine the location of these sources?
2. Yes or no, did EPA conduct an analysis of the health effects including the potential increased risk of cancer of this decision before releasing the January 25th guidance memo?
3. Yes or no, did EPA conduct an analysis of the potential health effects of this policy on children, babies, or pregnant women before releasing the January 25th?
4. Yes or no, did EPA conduct an analysis of the potential health effects of this policy on older Americans or those with chronic health problems before releasing the January 25th guidance?
5. Yes or no, did EPA conduct an analysis of the potential health effects of this policy on minority and low-income communities before releasing the January 25th?