

# United States Senate

WASHINGTON, DC 20510

March 16, 2017

Scott Pruitt  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

Dear Administrator Pruitt:

We write seeking information regarding Carl Icahn's role in any concluded or ongoing discussions concerning the Renewable Fuel Standard (RFS) at the Environmental Protection Agency (EPA). Additionally, this request extends to White House communications with the EPA, given Mr. Icahn's special advisory role.<sup>1</sup>

President Trump has identified Mr. Icahn as a special advisor for overhauling federal regulations. Serving in this role, Mr. Icahn recently presented the White House with draft executive language that would direct the EPA to "shift the burden for complying with the biofuel quotas from refiners to fuel blenders."<sup>2</sup>

Mr. Icahn's involvement in reshaping the RFS is deeply concerning, given his clear conflict of interest in this area. Mr. Icahn has claimed his company would save \$200 million over the course of a year were it to be relieved of biofuel quota obligations.<sup>3</sup> Mr. Icahn, through Icahn Enterprises, owns an 82% stake in CVR Energy (CVR), an oil refiner.<sup>4</sup> Upon news that Mr. Icahn had presented the White House with a proposal to shift the RFS burden away from refineries, refinery stocks skyrocketed. CVR stock shot up 3.5% that day, representing a single-day, multi-million dollar windfall for Mr. Icahn.

Mr. Icahn appears to have played an important role in your being named as EPA Administrator. He claimed "he had been consulted" by President-elect Trump regarding your nomination to be Administrator, and, commenting on your nomination, Mr. Icahn said that you feel "strongly

---

<sup>1</sup> The Transition Team, "President-Elect Donald J. Trump Names Carl Icahn Special Advisor to the President on Regulatory Reform," *GreatAgain.gov* (December 21, 2016) (online at <https://greatagain.gov/icahn-advisor-regs-cd3c949af118#.2srwi4sos>).

<sup>2</sup> Jennifer A Dlouhy and Mario Parker, "Trump Said to Consider Biofuel Plan Between Icahn, Ethanol Group," *Bloomberg* (February 28, 2017) (online at <https://www.bloomberg.com/news/articles/2017-02-28/trump-said-to-consider-biofuel-plan-between-icahn-ethanol-group>).

<sup>3</sup> Rebecca Ballhaus, Amy Harder, and David Benoit, "Carl Icahn, Critic of the EPA, Is Helping Donald Trump Shape It," *Wall Street Journal* (December 4, 2016) (online at <https://www.wsj.com/articles/carl-icahn-critic-of-the-epa-is-helping-donald-trump-shape-it-1480863601>).

<sup>4</sup> Alexandra Stevenson and Matthew Goldstein, "A Victory for Trump Is a Victory for Big-Name Traders," *New York Times* (February 14, 2017) (online at [https://www.nytimes.com/2017/02/14/business/dealbook/a-victory-for-trump-is-a-victory-for-big-name-traders.html?\\_r=0](https://www.nytimes.com/2017/02/14/business/dealbook/a-victory-for-trump-is-a-victory-for-big-name-traders.html?_r=0)).

about the absurdity of these [RFS] obligations...”<sup>5</sup> This raises serious concern about your relationship with Mr. Icahn and the role he will play as modifications to RFS policy are developed.

Given these concerns, we request written responses to the following questions by March 23, 2017:

- Prior to your confirmation as Administrator of the EPA, were you in communication with Mr. Icahn regarding the RFS? If yes, please provide the dates and nature of those communications.
- Since your confirmation as Administrator of the EPA, have you had any communications with Mr. Icahn regarding the RFS? If yes, please provide the dates and nature of those communications.
- Have representatives of CVR or Icahn Enterprises had communications with you or your staff regarding the RFS? If yes, please provide the dates and nature of those communications.
- Have you or members of your staff – either before or after your nomination – discussed an executive action relating to the RFS with White House staff? If yes, please provide the dates of these conversations, the persons involved in the conversation, and the nature of the discussion.
- Have you consulted ethics counsel regarding your involvement in reviewing the RFS or Mr. Icahn’s involvement with RFS policy modifications? If yes, please provide dates of when that advice was sought and any guidance offered by ethics counsel.
- Has Mr. Icahn been in contact with any employee of the EPA regarding the RFS? If yes, please provide the dates of these conversations, the persons involved in the conversation, and the nature of the discussion.
- Has Mr. Icahn been given access to any non-public EPA data or reports on the RFS, where the consideration of “non-public” shall be determined by the document status at the time access was granted?
- On February 22, 2017, the EPA concluded an open comment period regarding a proposed shift of the RFS obligation from oil refiners to blenders. Have the assembled comments been addressed by the EPA? Was Mr. Icahn given access to these comments, and any EPA responses, such that he could incorporate them into the aforementioned draft RFS modification language submitted to the White House?

Additionally, please provide all relevant documentation pertaining to communications between the EPA and Mr. Icahn and the EPA and the White House concerning the RFS since January 20, 2017. This request includes, but is not limited to, documentation of scheduled meetings, email correspondence, advice from ethics counsel, and memorandums pertaining to the RFS.

Thank you for your attention to these issues. We look forward to working with the EPA to further understand the decision processes regarding any modifications to the RFS.

---

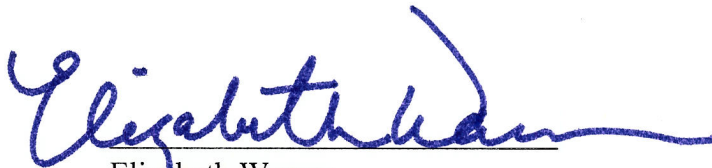
<sup>5</sup> “Icahn: Pruitt a Great Pick for EPA (audio),” *Bloomberg Politics* (December 7, 2016) (online at <https://www.bloomberg.com/politics/videos/2016-12-07/icahn-pruitt-a-great-pick-for-epa>).

Please do not hesitate to contact Brian Cohen of Senator Warren's staff (202-224-4543) or Joe Gaeta of Senator Whitehouse's staff (202-224-2921) with any questions or concerns.

Sincerely,



Sheldon Whitehouse  
United States Senator



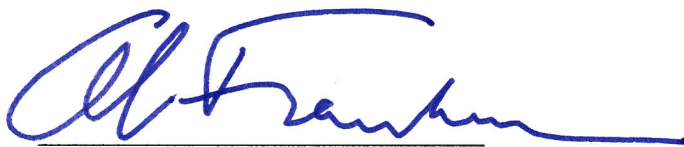
Elizabeth Warren  
United States Senator



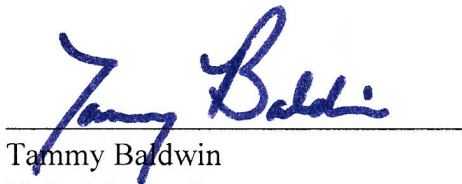
Debbie Stabenow  
United States Senator



Sherrod Brown  
United States Senator



Al Franken  
United States Senator



Tammy Baldwin  
United States Senator