

United States Senate

WASHINGTON, DC 20510

April 14, 2017

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

Dear Administrator Pruitt:

We write to bring to your attention an April 3, 2017, letter from eight state attorneys general and Washington D.C.¹ concerning your decision to withdraw the Information Collection Request (ICR) for oil and gas facilities (ICR No. 2548.01).² On April 6, 2017, we sent you a letter expressing concern about the speed and reasoning for withdrawing the ICR³. The recent AG letter also expresses concern with your unilateral decision to withdraw the ICR without any meaningful explanation, without any public process, and after the request of some Republican Attorneys General. We share the concern that your decision was made almost immediately following the receipt of input of members of the Republican Attorneys General Association (RAGA, a partisan organization you used to chair and from which you have accepted political contributions), but without the review of input submitted by other interested parties such as the Democratic Attorneys General, and without the review of the ICR data already submitted by industry to EPA. In addition to information concerning the points raised by the recent AG letter, we are also seeking information pertaining to the fulfillment of the terms of your ethics agreement with respect to your withdrawal of the ICR.

Your previous and current ties to RAGA have been well-documented: You served two terms as the chair of RAGA and on its Executive Committee, and on the board of directors and as the Chairman of Rule of Law Defense Fund (RLDF), the 501(c)(4) arm of RAGA⁴. RAGA has contributed to your political campaigns and you and your former staff have raised money for RAGA from the industries you now are charged with overseeing as Administrator. This includes the oil and gas industry that benefits from the withdrawal of the ICR⁵. The former policy director and general Counsel from RAGA now serves as the Associate Administrator for Policy and the Regulatory Reform Officer at EPA.

¹ See, e.g., Letter from Attorney General Maura Healey et al. to Administrator Pruitt dated April 3, 2017 (online at <http://www.mass.gov/ago/docs/environmental/multi-state-methane-letter-to-pruitt.pdf>).

² "Notice Regarding Withdrawal of Obligation to Submit Information" [FRL-9959-96-OAR], Environmental Protection Agency, March 2, 2017 (online at <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/oil-and-gas-industry-information-requests>).

³ See, Letter from Senator Carper et al. to Administrator Pruitt dated April 6, 2017 (online at https://www.epw.senate.gov/public/_cache/files/b6ec4e09-9ab1-40fa-96ad-a5c56af17949/letter-to-epa-administrator-pruitt-on-icr-withdrawal.pdf).

⁴ See, e.g., Letter from Senator Whitehouse et al. to Director Shaub dated January 12, 2017 (online at: https://www.whitehouse.senate.gov/imo/media/doc/2017-01-12_Shaub_signed.pdf).

⁵ See, e.g., Nick Snow, "EPA withdraws oil and gas industry information collection request," *Oil & Gas Journal* (March 3, 2017) (online at <http://www.ogj.com/articles/2017/03/epa-withdraws-oil-and-gas-industry-information-collection-request.html>).

During your confirmation process, on January 18, 2017, you stated in response to Senator Whitehouse, that with respect to the ICR you would “examine the submitted data to determine the appropriate next steps.” On February 17, you were confirmed. On February 26-27, RAGA met in Washington, D.C. We have been told by an individual who attended that meeting that you spoke at that meeting. On March 1, you received a letter from nine Republican Attorneys General, all of whom are members of RAGA, and two Republican Governors asking you to withdraw the ICR for oil and gas facilities. On March 2, citing nothing other than this letter, EPA withdrew the ICR.

It is difficult for us to believe that in the two weeks between your confirmation and your withdrawal of the ICR, you followed through with the promise you made on January 18, and examined “the submitted data to determine the appropriate next steps” on the ICR. Instead, the timing noted above suggests that the “submitted data” you reviewed as EPA Administrator may have consisted entirely of the letter from Republican officials claiming the ICR was “an unnecessary and onerous burden on oil and gas producers.” Based on reporting by the *New York Times*⁶, we are aware that when you were Attorney General of Oklahoma, it was a practice of your office to take industry-produced data and talking points, and represent them as the official position of state government.

You now have before you a letter from eight Democratic Attorneys General that does not simply rehash industry cost arguments. The April 3, 2017, letter from eight Democratic Attorneys General addresses evidence of harms to public health and welfare associated with emissions from oil and gas production, the benefits of recovering a valuable wasted resource, scientific assessments that support EPA’s 2009 endangerment determination, and EPA’s prior decision to regulate methane under the Clean Air Act.

So that we can understand the nature of your examination of the “submitted data to determine the appropriate next steps” on the ICR as well as your reliance on other materials submitted to you by Republican or Democratic elected officials and/or other non-governmental stakeholders, we request that you answer the following:

- How does this recent letter signed by the eight Democratic Attorneys General that addresses new issues not covered in the Republican AG letter affect your decision to stop the ICR? Please comment on each point referenced by the recent AG letter and discuss whether you will take these concerns into consideration as you review next steps on methane regulations as EPA Administrator.
- What RAGA and RLDF events have you attended since being nominated to be Administrator of the EPA? What was the nature of your participation in those events? Did you have any conversations during that conference about the ICR or EPA’s regulation of methane emissions? If so, with whom did you have those conversations and what was discussed?
- In light of the challenge to the EPA’s 2016 New Source Performance Standards for methane for the oil and gas sector you brought as the Attorney General for Oklahoma, please provide either documentation of the waiver granted by the Designated Agency

⁶ Eric Lipton and Coral Davenport, “Scott Pruitt, Trump’s E.P.A. Pick, Backed Industry Donors Over Regulators,” *New York Times* (January 14, 2017) (online at: https://www.nytimes.com/2017/01/14/us/scott-pruitt-trump-epa-pick.html?_r=1)

Ethics Official allowing you to sign the March 2 notice or an explanation as to why no such waiver was sought or granted and how your signing of the March 2 in the absence of a waiver comports with the obligations set forth in your ethics agreement.

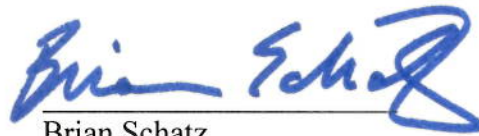
- As we wrote in an April 6 letter to you, to dispel any appearance of impropriety over your decision to unilaterally withdraw this ICR, we renew our request that you commit to making public all information considered by EPA, including all correspondence and email not included in the November 10, 2016, ICR data collection request.

Thank you for your prompt attention to this matter. We would appreciate a response by May 7, 2017.

Sincerely,



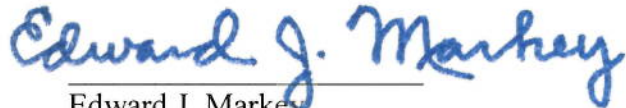
Sheldon Whitehouse
United States Senator



Brian Schatz
United States Senator



Thomas R. Carper
United States Senator



Edward J. Markey
United States Senator