

Congress of the United States

Washington, DC 20510

October 31, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20004

Dear Administrator Pruitt:

We write to request information on the Environmental Protection Agency's (EPA) role in cancelling planned presentations by three EPA-affiliated scientists in Rhode Island. On Monday, October 23, the Narragansett Bay Estuary Program (NBEP) hosted a workshop to present findings from its recently released report, *The State of Narragansett Bay and Its Watershed*. This report, funded in part by EPA and the culmination of three years of work among universities, not-for-profit organizations, and government agencies, offers a look at the status of Narragansett Bay and the challenges it faces. It identifies 24 factors affecting the health of the Bay. Climate change played a significant role in this comprehensive analysis.

The State of Narragansett Bay and Its Watershed focuses on three climate change stressor indicators—temperature, precipitation, and sea level—because of their ubiquitous impacts on other stressor, ecosystem condition, and public health indicators. Based on datasets spanning nearly a century or more, analysis of these climate change indicators reveals long-term trends that are useful in understanding past environmental changes and projecting future changes in the Bay and its Watershed.¹

Autumn Oczkowski, an EPA ecologist, was scheduled to give the workshop's keynote address. Rose Martin, an EPA scientist, and Emily Shumchenia, an EPA consultant, were scheduled to speak on a panel titled, "The Present and Future Biological Implications of Climate Change." All three scientists directly contributed to the report. The event was structured so that EPA scientists would not participate in the press conference with elected officials. On Friday, October 20, EPA informed NBEP Director Tom Borden that the three scientists would not be allowed to speak at the October 23 workshop. No satisfactory explanation for this decision has ever been provided to the organizers of the event.

Narragansett Bay is one of Rhode Island's and Massachusetts' most important economic assets. The NBEP and other environmental organizations in the Narragansett Bay watershed have long relied upon the expertise of EPA scientists to provide the data and analysis needed to plan for its future. During your confirmation proceedings, you appeared to support this kind of federal-local partnership, writing in response to a question from Senator Whitehouse, "I am fond of saying

¹ Narragansett Bay Estuary Program, *The State of Narragansett Bay and Its Watershed*, p. 42, available online at: <http://nbep.org/the-state-of-our-watershed/>

that we need national standards and neighborhood solutions. I think that should shape the work of the EPA.” The NBEP’s workshop was part of an ongoing, statutorily required process of local stakeholders collaborating with scientists to come up with “neighborhood solutions.” You would not have taken kindly to Washington bureaucrats telling scientists in Oklahoma they couldn’t speak with Oklahoma organizations to come up with “neighborhood solutions” to better protect public health and a critical economic asset. Neither do we.

We are also alarmed by what EPA’s decision to muzzle its scientists means for the future of the National Estuaries Program. All National Estuaries Program participants (NEPs) receive annual financial support from EPA. They are required by statute to develop and implement Comprehensive Conservation and Management Plans (CCMPs) to address water quality issues and the health of estuaries. NEPs submit to EPA an annual work plan consistent with their CCMPs, which EPA must approve for funds to be released year to year. Congress recently recommitted its support of this program by reauthorizing it through FY 2021.

If EPA scientists are not allowed to participate in a workshop discussing the results of scientific research because that workshop included a discussion of climate change, that begs the question whether EPA will censor NEP grantees from discussing climate change in their management plans, annual work plans, or other public documents. It also calls into question EPA’s commitment to provide ongoing scientific support to the 28 NEPs across the country. So that we may better understand EPA’s current policies with respect to these issues, we ask that you provide responses and responsive documents to the following questions:

- Were Autumn Oczkowski, Rose Martin, and Emily Shumchenia prohibited from presenting their work at the NBEP’s workshop because it addressed climate change? Were there any other reasons why they were prohibited from participating in the workshop? Did that decision reflect official EPA policy? If so, please provide a copy of the relevant policy.
- Who made that decision? At what level was it approved? Please provide all communications related to that decision, and any documents that reference the NBEP October 23 workshop.
- Please provide all communications between Autumn Oczkowski, Rose Martin, and Emily Shumchenia or any other representative of the Atlantic Ecology Division and (1) Region 1 EPA Headquarters and (2) EPA’s main headquarters in Washington, D.C., related to the participation of any EPA employee’s or contractor’s participation in NBEP’s October 23, 2017 press conference and workshop, or the EPA research to be presented at that conference.
- EPA spokesman John Konkus was quoted as saying “EPA scientists are attending, they simply are not presenting, it is not an EPA conference.”² Is it the policy of EPA to prohibit its scientists from presenting their work at anyplace other than “an EPA conference”? Please provide a copy of EPA’s policy governing the attendance and

² Juliet Eilperin and Brady Dennis, *EPA Yanks Scientists’ Conference Presentations, Including on Climate Change*, WASHINGTON POST, October 22, 2017.

participation of its scientists at conferences and workshops, including how EPA defines an “EPA conference.”

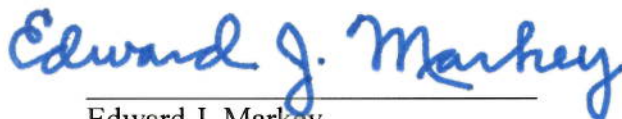
- Going forward, will EPA scientists be able to contribute to the work of the NBEP (and other NEPs), the recommendations put forth in *The State of Narragansett Bay and Its Watershed*, and the broader protection and restoration of the Narragansett Bay? Will there be any subject-matter limitations on what EPA scientists can research or discuss? If so, please provide a list of forbidden topics.
- *The Washington Post* has previously reported that Mr. Konkus, who is deputy associate administrator in EPA’s Office of Public Affairs, “reviews every award the agency gives out” and “has told staff that he is on the lookout for ‘the double C-word’ — climate change....”³
 - What role will Mr. Konkus have reviewing annual work plan submissions and long-term CCMPs for National Estuaries Program sites? Please provide any guidance used by Mr. Konkus or any other EPA staff used to review these submissions.
 - Please provide a copy of Mr. Konkus’s resume, or any other documentation that would help explain Mr. Konkus’s ability to assess annual work plans and CCMPs that NEPs propose to address the environmental conditions in the estuaries they serve.
- The *New York Times* reported that “political officials from E.P.A. headquarters in Washington spent two days last week in the Rhode Island office reviewing the lab’s work.”⁴ Was that a regularly scheduled review of the lab’s work? If not, why was it performed? Please identify the officials and provide all guidance related to the determination of research topics and priorities at EPA’s National Health and Environmental Effects Research Laboratory, including but not limited to the Atlantic Ecology Division in Narragansett, Rhode Island.
- Will NEPs that seek to address the effects of climate change be penalized in any way? Please provide a copy of the criteria by which NEP annual work plans and other CCMP-related submissions will be reviewed and evaluated by EPA.

We request the courtesy of a response to this letter no later than November 17, 2107.

Sincerely,



Sheldon Whitehouse
United States Senator



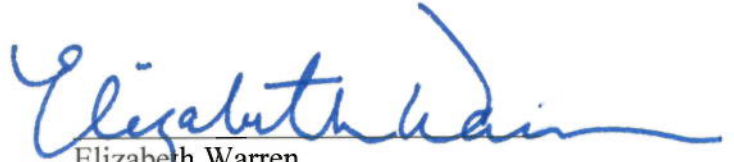
Edward J. Markey
United States Senator

³ Juliet Eilperin, *EPA Now Requires Political Aide’s Sign-off for Agency Awards, Grant Applications*, WASHINGTON POST, September 4, 2017.

⁴ Lisa Freidman, *EPA Cancels Talk on Climate Change By Agency Scientists*, NEW YORK TIMES, October 22, 2017.



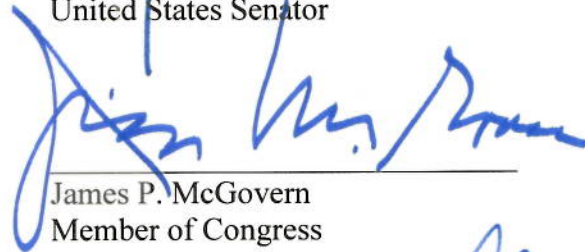
Jack Reed
United States Senator




Elizabeth Warren
United States Senator



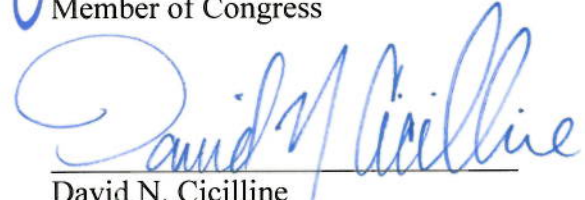
Richard E. Neal
Member of Congress



James P. McGovern
Member of Congress



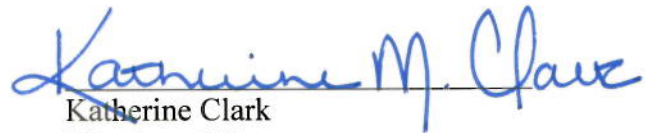
James R. Langevin
Member of Congress



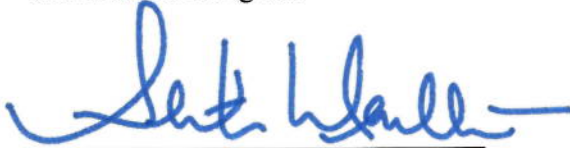
David N. Cicilline
Member of Congress



Joseph P. Kennedy, III
Member of Congress



Katherine Clark
Member of Congress



Seth Moulton
Member of Congress

Cc: Senator John Barrasso, Chairman, Senate Environment and Public Works Committee
Senator Tom Carper, Ranking Member, Senate Environment and Public Works
Committee
Troy Lyons, Associate Administrator, Office of Congressional & Intergovernmental
Relations, U.S. Environmental Protection Agency