

# Congress of the United States

## House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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WASHINGTON, DC 20515-6301

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[www.science.house.gov](http://www.science.house.gov)

June 15, 2015

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

Dear Administrator McCarthy:

The Committee on Science, Space, and Technology continues to conduct oversight of the U.S. Environmental Protection Agency. This letter follows numerous requests submitted by the Committee to EPA for documents and communications pertaining to regulatory and policy decisions made by the agency.<sup>1</sup> In each of these instances, EPA has failed to provide the Committee with all requested documents by the requested dates despite the Committee's good faith efforts to accommodate EPA in focusing and narrowing the requests in order to receive them in a timely fashion.

The agency's obstruction of legitimate Congressional oversight by its continuing delays are particularly troubling given the agency's attempts to ram through an overwhelming number of regulations in the final two years of the Obama Administration. Since January 2014, the EPA has announced intentions to propose or finalize rules pertaining to the new and existing source performance standards for electricity generating units, the renewable fuel standard, National Ambient Air Quality Standards for ozone, the definition of Waters of the United States, methane emissions at natural gas production sites, and carbon emissions from commercial airliners, to name just a few.<sup>2</sup> Given the breadth and scope of these regulations, as well as their impact on the American people and the economy, it appears that EPA is engaging in an effort to obfuscate Congressional oversight of these rules by delaying its production of key documents to the Committee.

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<sup>1</sup> Letter from Hon. Lamar Smith, Chairman, H. Comm. on Science, Space, and Technology, to Hon. Gina McCarthy, Administrator, U.S. EPA, May 14, 2015; Letter from Hon. Lamar Smith, Chairman H. Comm. on Science, Space, and Technology, et. al., to Hon. Gina McCarthy, Administrator, U.S. EPA, May 18, 2015; Letter from Hon. Lamar Smith, Chairman, H. Comm. on Science, Space, and Technology, et. al., to Hon. Gina McCarthy, Administrator, U.S. EPA, May 26, 2015.

<sup>2</sup> Timothy Cama, *Obama to Issue Flurry of Energy Regulations This Summer*, The Hill, May 22, 2015, available at <http://thehill.com/policy/energy-environment/242926-obama-planning-flurry-environmental-energy-this-summer>.

More specifically, EPA consistently cites the collection process undertaken by the Office of Environmental Information within the agency and the document review process for responsiveness as barriers to the timely production of documents to the Committee.<sup>3</sup> While the Committee has attempted to work constructively with EPA to ensure the timely production of documents on our outstanding requests, the pace of the production of documents appears to be an attempt to obstruct the Committee's legitimate oversight of EPA's various regulatory and policy actions. In light of EPA's unwillingness to complete these productions in a timely manner, the Committee requests that EPA provide by June 22, 2015, the balance of the documents and information outlined in the following letters.

1. May 14, 2015, letter requesting documents and communications generated by former EPA employee Michael Goo and the documents and communications sent or received by Joel Beauvais, Alex Barron, and Sharon Kenny referring or relating to outside groups, including by not limited to, the White House, Sierra Club, League of Conservation Voters, and the Natural Resources Defense Council;
2. May 18, 2015, letter requesting documents and communications referring or relating to the Waters of the United States rule since rebranded by the agency as the Clean Water Rule;
3. May 26, 2015, letter requesting documents and communications referring or relating to efforts to solicit public comments on EPA regulations during the notice and comment period.

If EPA fails to provide the documents as requested by the deadline noted above, the Committee will consider use of compulsory process.

Additionally, given the inability of EPA to produce the requested documents in a timely fashion and in order for the Committee to better understand EPA's unreasonable delays in the production process, please make the following EPA staff available for transcribed interviews by Committee staff the week of June 29, 2015.

1. Ann Dunkin, Chief Information Officer, Office of Environmental Information
2. Tom Reynolds, Associate Administrator, Office of Public Affairs
3. Joel Beauvais, Associate Administrator, Office of Policy
4. Ken Kopocis, Deputy Assistant Administrator, Office of Water

The Committee on Science, Space, and Technology has jurisdiction over environmental and scientific programs and "shall review and study on a continuing basis laws, programs, and Government activities" as set forth in House Rule X.

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<sup>3</sup>E-mail from Tom Dickerson, U.S. EPA, to H. Comm. on Science, Space, and Technology staff, June 3, 2015.

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The Committee requests that you provide the requested documents and information, in electronic format, as soon as possible, but no later than noon on June 22, 2015.

If you have any questions about this request, please contact Joseph Brazauskas of the Science, Space, and Technology Committee staff at 202-225-6371. Thank you for your attention to this matter.

Sincerely,



Lamar Smith  
Chairman

cc: The Honorable Eddie Bernice Johnson, Ranking Minority Member, House Committee on Science, Space and Technology