



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 09 2013

OFFICE OF THE
ADMINISTRATOR

The Honorable David Vitter
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Senator Vitter:

I am writing to update you with regard to progress on the requests that you have made of the U.S. Environmental Protection Agency (EPA) in the context of the confirmation process for Gina McCarthy, President Obama's nominee for Administrator of the EPA.

One of your requests relates to research data underpinning certain large-scale epidemiological studies focusing on the health effects of particulate matter and ozone pollution. As part of this request, your staff conveyed a list requesting study protocols, questionnaires, software and other non-confidential information related to these studies. The EPA committed to engaging with the relevant research institutions and researchers to work towards obtaining the requested materials. As indicated in the enclosures, letters have been sent to this end to the relevant researchers and we will keep you apprised of progress on this front.

With regard to your request for the underlying raw data from the relevant studies, the EPA has requested from the relevant researchers the research data required to be provided under the Shelby Amendment, consistent with applicable protections for private medical and similar information. As indicated in the enclosed letters, this request has been made for the two remaining studies that are the subject of your request that are subject to the Shelby Amendment. Additionally, as reflected in the relevant enclosed letter, the Agency has sent forward to Dr. Michael Jerrett your request for the full set of data files relating to his 2009 study entitled "Long-Term Ozone Exposure and Mortality" published in the New England Journal of Medicine, which is not presently subject to the Shelby Amendment.

Further, the EPA committed to engage with relevant research institutions, and other entities with relevant expertise in this area, to get further information about technical options to get access to additional data you have requested. To this end, the EPA has been in contact with a number of relevant institutions to gather background information. Those letters are attached. Again, we will keep you apprised of progress with regard to this engagement.

In response to a separate request, the EPA committed to work with the Agency's Science Advisory Board to establish an expert panel to advise the Agency on the use of whole economy modeling to estimate the whole economy impacts resulting from the benefits and costs of EPA regulations. As you have requested, we have asked the Scientific Advisory Board to select a

balanced panel, and have included your request of having members that have expertise in "whole economy modeling at the macro and micro level, including granular analysis of regulatory impact and full causality/ripple effects..." I have signed a written memorandum to the Science Advisory Board to initiate this process. That memorandum is attached.

Finally, in response to another request, the EPA committed to establish a website to post petitions for rulemaking received by the Agency. That website is now live and tracks petitions received by the Agency starting at the beginning of this year. That website can be found at <http://www2.epa.gov/aboutepa/petitions-rulemaking>.

These steps follow other actions the Agency has taken to fulfill the EPA's continued commitment to transparency, including providing a written commitment to modify internal guidance with respect to record keeping, pending the completion of an Inspector General audit, training of the entire workforce on FOIA and records management, and the creation of a new website for disclosure of "Notices of Intent to Sue." That website can be found at <http://www.epa.gov/ogc/noi.html>.

I am pleased to take action and finalize the commitments to which the Agency agreed during recent conversations you and I had prior to the Environment and Public Works Committee's business meeting to consider Gina McCarthy's nomination to lead the EPA. Thank you for your engagement with the EPA on these issues. If you have further questions, please contact me or have your staff contact Arvin Ganesan, the EPA's Associate Administrator for Congressional and Intergovernmental Affairs at (202) 564-5200.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Perciasepe". The signature is written in a cursive, flowing style.

Bob Perciasepe

Enclosures