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**From:** William Yeatman [William.Yeatman@cei.org]  
**Sent:** 3/28/2017 2:14:46 PM  
**To:** Schwab, Justin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eed0f609c0944cc2bbdb05df3a10aadb-Schwab, Jus]  
**Subject:** Re: Hi Justin, I hope you're well. We've corresponded before, when you were at BH. We actually co-signed comments once (tho they were written by you). I wanted to bring to your attention a letter we just sent, regarding the EPA-VW settlement.

Hi Justin, I hope you're well. Would it be possible to either meet or call briefly about implementation of the VW settlement? No worries in the least if it's not on your radar or if you're too busy or if there's any reason whatsoever you can't/don't want to.

I was hoping to both find out what's going on and also to quickly explain why we oppose it. If you were willing, I'd hope to loop in Greg Louer, who's at arnold & porter. he used to be a house judiciary committee staffer and now he represents ChargePoint, which is the EV charger manufacturer that opposes the deal. We have zero connection to ChargePoint, but we agree with their ultimate ends, and I've been collaborating loosely with him (ie, information sharing; he's got all the EV industry insider info).

Again, I understand completely if you don't have time or if you're simply not interested. But if you are, please let me know. Finally, I read in E&E you're a deputy GC now. Congrats! I'm envious of how much you must be learning from being on the inside. Best, Will

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**From:** Schwab, Justin <schwab.justin@epa.gov>  
**Sent:** Friday, February 3, 2017 10:42 AM  
**To:** William Yeatman  
**Subject:** Re: Hi Justin, I hope you're well. We've corresponded before, when you were at BH. We actually co-signed comments once (tho they were written by you). I wanted to bring to your attention a letter we just sent, regarding the EPA-VW settlement.

Will,

Thank you for this message. You're right that we're busy now, but this is an important issue.

I look forward to meeting you in person in the future.

Best,

Justin

Sent from my iPhone

On Feb 3, 2017, at 10:39 AM, William Yeatman <[William.Yeatman@cei.org](mailto:William.Yeatman@cei.org)> wrote:

Here's the quick & dirty version: The Obama administration last October reached a partial settlement with VW over Clean Air Act violations attendant to defeat device scandal. The settlement includes a stipulation requiring EPA to work with VW to invest \$1.2 billion electric vehicle infrastructure. The settlement raises two constitutional problems:

1. Obama twice came to congress seeking money for EV infrastructure; twice he was rebuffed. The settlement's EV investment is an end run around the Congress's power of the purse.
2. The settlement commits significant resources of the Trump administration's EPA to implement was amounts to a failed legislative proposal from Obama. This infringes on Trump's Article II authority and responsibility to execute the laws.

In the letter, we ask that the EPA assess how much of its resources are being spent on the EV infrastructure program. Again, the congress neither delegated authority or appropriated money to the EPA to implement EV industrial policy. So if the Trump administration doesn't want to have its limited resources committed by the previous president, then the EV program would operate in a weird constitutional space—unmoored from Articles I and II. The settlement can be modified with the parties consent and court approval. I explain all of this in more detail in this post <https://cei.org/blog/trump-not-bound-obama-volkswagen-settlement-epa>

I just wanted to put this on your radar. I understand completely that there are a ton of priorities now, and that there's not enough time for them all. If you're interested, let me know if you'd like to discuss this (or anything else, for that matter). Best, Will