

To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Mon 10/16/2017 3:35:00 PM
Subject: Administrator Pruitt Issues Directive to End EPA "Sue & Settle"

CONTACT: press@epa.gov

Administrator Pruitt Issues Directive to End EPA "Sue & Settle"

"The days of regulation through litigation are over," – EPA Administrator Scott Pruitt

WASHINGTON (October 16, 2017) – In fulfilling his promise to end the practice of regulation through litigation that has harmed the American public, EPA Administrator Scott Pruitt issued an Agency-wide directive today designed to end "sue and settle" practices within the Agency, providing an unprecedented level of public participation and transparency in EPA consent decrees and settlement agreements.

"The days of regulation through litigation are over," said EPA Administrator Scott Pruitt. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle."

Over the years, outside the regulatory process, special interest groups have used lawsuits that seek to force federal agencies – especially EPA – to issue regulations that advance their interests and priorities, on their specified timeframe. EPA gets sued by an outside party that is asking the court to compel the Agency to take certain steps, either through change in a statutory duty or enforcing timelines set by the law, and then EPA will acquiesce through a consent decree or settlement agreement, affecting the Agency's obligations under the statute.

More specifically, EPA either commits to taking an action that is not a mandatory requirement under its governing statutes or agrees to a specific, unreasonable timeline to act. Oftentimes, these agreements are reached with little to no public input or transparency. That is regulation through litigation, and it is inconsistent with the authority that Congress has granted and the responsibility to operate in an open and fair manner.

"Sue and settle" cases establish Agency obligations without participation by states and/or the regulated community; foreclose meaningful public participation in rulemaking; effectively force the Agency to reach certain regulatory outcomes; and, cost the American taxpayer millions of dollars.

With today's directive, Administrator Pruitt is ensuring the Agency increase transparency, improve public engagement, and provide accountability to the American public when considering a settlement agreement or consent decree by:

1. Publishing any notices of intent to sue the Agency within 15 days of receiving the notice;
2. Publishing any complaints or petitions for review in regard to an environmental law, regulation,

or rule in which the Agency is a defendant or respondent in federal court within 15 days of receipt;

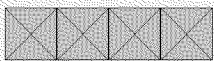
3. Reaching out to and including any states and/or regulated entities affected by potential settlements or consent decrees;
4. Publishing a list of consent decrees and settlement agreements that govern Agency actions within 30 days, along with any attorney fees paid, and update it within 15 days of any new consent decree or settlement agreement;
5. Expressly forbidding the practice of entering into any consent decrees that exceed the authority of the courts;
6. Excluding attorney's fees and litigation costs when settling with those suing the Agency;
7. Providing sufficient time to issue or modify proposed and final rules, take and consider public comment; and
8. Publishing any proposed or modified consent decrees and settlements for 30-day public comment, and providing a public hearing on a proposed consent decree or settlement when requested.

The full directive and memo can be read [here](#).

The video of the signing can be found [here](#). A downloadable b-roll version can be found [here](#).

EPA Administrator Scott Pruitt signs an Agency-wide directive to end "sue and settle" practices within the Agency.

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From: EPA Press Office
Sent: Sat 10/14/2017 1:51:19 PM
Subject: CL: EPA Head Addresses Energy Issues

IN CASE YOU MISSED IT

EPA Head Addresses Energy Issues

Anna Wolfe
October 13, 2017

<http://www.clarionledger.com/story/news/local/2017/10/13/epa-water-energy-mississippi/757533001/>

U.S. Environmental Protection Agency Administrator Scott Pruitt visited Mississippi Thursday to discuss proposed changes to the Waters of the United States rule, just days after announcing the repeal of the Clean Power Plan.

The water rule sought to control pollution under the Clean Water Act of 1972 and had extended the federal government's authority over small waterways. Republicans and industry groups argue that it required costly and unnecessary permitting. The rule was also the subject of litigation.

Pruitt said he's meeting with government agencies and stakeholders across the country to get input on how to best craft the new definition of U.S. waters. The definition implemented in 2015, Pruitt argues, "has created substantial confusion."

"The whole focus that they said at the time was 'we're doing this to ensure certainty.' If that was their certainty, they failed miserably. Because truly, land use positions, jurisdictional determination, about where federal jurisdiction begins and ends, has never been more confusing."

Gov. Phil Bryant was among many governors who initiated a challenge to the Waters of the United States rule.

"Regulatory uncertainty has been the greatest impediment to economic growth over the last several years, and it's not just in the energy and environmental space. It's in finance. It's in health care. It's across a full spectrum of agency actions in Washington D.C.," Pruitt told The Clarion-Ledger. "But this WOTUS rule is one that I believe of the greatest example of uncertainty that was created because people literally quit using their land or they were concerned about using the land because of the potential for fines and penalties."

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Thur 10/12/2017 6:21:50 PM
Subject: PHOTOS: Administrator Pruitt Visits Mississippi

CONTACT: press@epa.gov

PHOTOS: Administrator Pruitt Visits Mississippi

Announces Regulatory Action on Pesticide Dicamba

Jackson, Miss. (October 12, 2017) – Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt met with Governor Phil Bryant, farmers and other state leaders to discuss ways to strengthen partnerships with EPA. During the visit, Administrator Pruitt announced that EPA is working on an agreement with the manufacturers of the pesticide dicamba to minimize the potential for drift to damage neighboring crops from the use of the pesticide – an agreement that will allow cotton and soybean farmers to make informed choices for seed purchases for the 2018 growing season.

“Our job at EPA is not to look at folks in Mississippi as adversaries, but as partners,” **said Administrator Pruitt.** “It is of the utmost importance to continue to collaborate with state and local leaders to provide American farmers and ranchers the regulatory certainty they deserve.”

“Mississippi farmers are the original conservationists,” **said Mississippi Governor Phil Bryant.** “I am grateful for Administrator Pruitt’s commitment to working with us to develop strategies that will strengthen agriculture in Mississippi while protecting our environment.”

Administrator Pruitt began his trip with a stop at the State Capitol where he met with Governor Bryant and other state leaders. Following their meeting, Administrator Pruitt and Governor Bryant hosted a roundtable along with Mississippi Commissioner of Agriculture and Commerce Cindy Hyde-Smith, Mississippi Farm Bureau Federation President Mike McCormick, and other stakeholders to discuss EPA’s recent proposal to rescind the 2015 “Waters of the United States” (WOTUS) rule to help ensure regulatory certainty and prioritize keeping America’s water clean.

After the roundtable, Administrator Pruitt and Governor Bryant departed for Gaddis Farms in Bolton where the Administrator announced EPA’s regulatory action on dicamba and took questions from farmers.

EPA Administrator Scott Pruitt with Mississippi Governor Phil Bryant.

EPA Administrator Scott Pruitt (second from right) and Mississippi Governor Phil Bryant (right) greet stakeholders at Gaddis Farms in Bolton, Miss.

EPA Administrator Scott Pruitt greets Ted Kendall, owner of Gaddis Farms.

Mississippi Governor Phil Bryant and EPA Administrator Scott Pruitt speak with Ted Kendall.

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Thur 10/12/2017 4:49:09 PM
Subject: EPA Appoints Jim Gulliford as Region 7 Administrator

CONTACT: press@epa.gov

EPA Appoints Jim Gulliford as Region 7 Administrator

WASHINGTON (October 12, 2017) –Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt announced the appointment of Jim Gulliford of Missouri to become regional administrator for Region 7. Mr. Gulliford will oversee environmental protection efforts in: Iowa, Kansas, Missouri, and Nebraska. He previously held the position of regional administrator for Region 7 from 2001-2006.

Jim Gulliford most recently held the position of executive director of the Soil and Water Conservation Society where he led the organization from 2009-2016. He was responsible for all operation aspects of the non-profit organization that advocated for conservation professionals and for science-based conservation practices, programs, and policy. The organization's mission is to foster the science and art of natural resource conservation on working land – land used to produce food, fiber, and other services that improve the quality of life people experience in rural and urban communities.

Prior to joining Soil and Water Conservation Society, Mr. Gulliford spent nearly a decade at EPA. From 2006-2009, he served as EPA assistant administrator for the Office of Prevention, Pesticides, and Toxic Substances where he was responsible for helping protect public health and the environment from potential risks of pesticides and chemicals. Mr. Gulliford also served as director of the Division of Soil Conservation at the Iowa Department of Agriculture and Land Stewardship for 15 years, where he was responsible for the development and management of soil conservation, water quality, and mine regulation for the state of Iowa.

“Jim Gulliford is unquestionably qualified to lead EPA Region 7,” **said EPA Administration Scott Pruitt.** “Not only has Jim dedicated his entire career to protecting the environment and ensuring healthier outcomes for Americans, but he has already demonstrated to be a competent leader for Region 7 during the Bush Administration.”

His nomination is receiving high accolades from across the region:

Joel Brinkmeyer, CEO, Agribusiness Association of Iowa: “The selection of Jim Gulliford for EPA's Region 7 Administrator is a great choice by this administration in their efforts to accelerate environmental advancement while enhancing production agriculture. Jim will be able to immediately step up to meet the challenges of the office due to his past successful leadership experience in this same position during the Bush Administration, followed by his experience in Washington DC in the office of Pesticides and Toxic Substances at EPA, and as the CEO for the National Soil and Water Conservation Society. Jim has tremendous understanding of how soil and water resources can best benefit production agriculture, and enhance high quality food production without damaging the environment. In fact, Jim understands that with the right tools and resources, positive impacts can be made to the environment as agriculture continues to improve the technology of modern food production systems. Jim's strong network of midwestern leaders and the scientific community, combined with his positive work ethic, will enhance working relationships with persons of diverse interests to the benefit of urban and rural citizens alike.

"I look forward to working with Administrator Gulliford through the Agribusiness Association of Iowa, and our members, to bring positive solutions to environmental and production challenges."

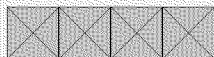
Jim Macy, Director, Nebraska Department of Environmental Quality: "EPA Region 7 will be well served by the appointment of Jim Gulliford. Jim is a strong leader in conservation and will bring a voice of reason and cooperation for Nebraska, Iowa, Kansas, and Missouri. Nebraska DEQ is ready to work with Jim Gulliford to further improve Federal and State relationships in the true spirit of cooperative federalism."

Rex Martin, Chairman of the Board, Soil and Water Conservation Society: "I have been very fortunate to have worked with Jim for many years including his former roles as EPA Region 7 Regional Administrator, U.S. EPA and as the Executive Director at the Soil and Water Conservation Society. Jim has been successful at applying practical environmental practices on the ground based on sound science while allowing local stakeholder's real world input to drive those activities. Jim's strong work ethic, integrity and transparency makes him an excellent choice for this leadership role."

Steve Taylor, President and Executive Director, Missouri Agribusiness Association: "I am extremely pleased that Jim Gulliford is returning as administrator of EPA Region 7. Over the past three decades, I have worked with Jim on a variety of issues and projects involving water quality and agriculture. Over these years, Jim has been a valuable partner and he has understood the need to keep agriculture profitable as we protected the environment. I look forward to once again working with Jim on the environmental issues that face agriculture today."

Dr. Wendy Wintersteen, Dean of the College of Agriculture and Life Sciences at Iowa State University: "Jim Gulliford brings a tremendous portfolio of knowledge, experience and highly competent leadership to the position of EPA Region 7 Administrator. His previous service on behalf of EPA allows him to step in and begin the vital responsibilities of the position immediately. Jim understands the complexity of environmental issues and the importance of collaboration and communication with partners and stakeholders. He leads with science to guide and ground his work, and that is a common foundation we share in how progress is made."

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Thur 10/12/2017 4:17:04 PM
Subject: EPA approves San Jacinto Waste Pits cleanup plan

EPA Approves San Jacinto Waste Pits Cleanup Plan

[WATCH FOX 26: EPA Approves San Jacinto Waste Pits Cleanup Plan](#)

FOX 26 Houston: "I want to thank EPA Administrator Pruitt for this decision," said Harris County Attorney Vince Ryan. "We appreciate that he visited the San Jacinto site personally and that he had EPA personnel checking it out to discover the dioxin exposure after the hurricane." "The hard work by County Attorney Vince Ryan and his staff has been remarkable. Jackie Young, Galveston Bay Foundation and other activists have been relentless in advocating for this solution and I'm thrilled the EPA made the right decision," said Harris County Precinct 2 Commissioner Jack Morman." ([Fox 26 Houston, 10/11/17](#))

[WATCH KHOU-TV: EPA Approves Plan To Clean Up San Jacinto Waste Pits](#)

KHOU NEWS: "Young said this is a far better solution than the temporary caps on top of the waste pits now – a site Young and her family moved away from because of the health hazards. I've heard many people including my own father say I won't live to see this, and that was one of the best phone calls I got to make today – calling my dad," [Environmental advocate Jackie] Young said." ([KHOU News, 10/11/17](#))

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Wed 10/11/2017 6:51:12 PM
Subject: Administrator Pruitt Addresses National Tribal Operations Committee

CONTACT: press@epa.gov

Administrator Pruitt Addresses National Tribal Operations Committee

WASHINGTON (October 11, 2017) – Today, Environmental Protection Agency (EPA) Administrator Scott Pruitt addressed the National Tribal Operations Committee (NTOC) where he spoke on the pressing issues facing environmental leaders in Indian country and how best the Agency and tribal leaders can collaborate on their shared goals and challenges.

"EPA is committed to working and partnering with tribal governments to address our shared environmental concerns and challenges," **said Administrator Pruitt**. "I understand the important role that tribal governments play in environmental management, and the unique government-to-government relationship that tribes have with the federal government. The process that we engage in as co-regulators is very important. I believe that regulations ought to make sense, and part of that is engaging directly with tribal governments --taking comments and consulting with tribal governments, so that we are making informed decisions."

In 1984, President Regan published the Federal Indian Policy supporting the primary role of tribal governments matters affecting American Indian Reservations. EPA has worked to recognize the importance of tribal governments in regulatory activities to ensure healthy outcomes for American citizens living on Indian Reservations.

"The 1984 EPA Indian Policy is a critical instrument that provides both the EPA and Native American tribes with principles that illustrate the federal trust relationship," **said National Tribal Caucus Chairman Evaristo Cruz**. "On behalf of the National Tribal Caucus we would like to thank Administrator Pruitt for upholding and honoring this legacy that EPA has instituted."

Administrator Pruitt will continue to work with American's tribal partners and is reaffirming EPA's 1984 Policy that will continue to advance cooperative federalism within the policy's principles.

EPA Administrator Scott Pruitt with members of the National Tribal Caucus.

EPA Administrator Scott Pruitt addresses the National Tribal Operations Committee.

EPA Administrator Scott Pruitt signs a statement reaffirming the principles of the 1984 EPA Indian Policy with National Tribal Caucus Chairman Evaristo Cruz.

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Tue 10/10/2017 4:30:03 PM
Subject: EPA Proposes Repeal Of Clean Power Plan

CONTACT: press@epa.gov

EPA Takes Another Step To Advance President Trump's America First Strategy, Proposes Repeal Of "Clean Power Plan"

WASHINGTON (October 10, 2017) – Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt issued a Notice of Proposed Rulemaking (NPRM), proposing to repeal the so-called "Clean Power Plan (CPP)." After reviewing the CPP, EPA has proposed to determine that the Obama-era regulation exceeds the Agency's statutory authority. Repealing the CPP will also facilitate the development of U.S. energy resources and reduce unnecessary regulatory burdens associated with the development of those resources, in keeping with the principles established in President Trump's Executive Order on Energy Independence.

"The Obama administration pushed the bounds of their authority so far with the CPP that the Supreme Court issued a historic stay of the rule, preventing its devastating effects to be imposed on the American people while the rule is being challenged in court," **said EPA Administrator Scott Pruitt.** "We are committed to righting the wrongs of the Obama administration by cleaning the regulatory slate. Any replacement rule will be done carefully, properly, and with humility, by listening to all those affected by the rule."

CPP Appears to be Inconsistent with the Clean Air Act

The CPP, issued by the Obama administration, was premised on a novel and expansive view of Agency authority that the Trump administration now proposes to determine is inconsistent with the Clean Air Act. In fact, the CPP was put on hold in February 2016, when the U.S. Supreme Court issued an unprecedented, historic stay of the rule.

"EPA will respect the limits of statutory authority. The CPP ignored states' concerns and eroded longstanding and important partnerships that are a necessary part of achieving positive environmental outcomes. We can now assess whether further regulatory action is warranted; and, if so, what is the most appropriate path forward, consistent with the Clean Air Act and principles of cooperative federalism," **said Administrator Pruitt.**

The CPP was issued pursuant to a novel and expansive view of authority under Section 111 of the Clean Air Act (CAA). The CPP required regulated entities to take actions "outside the fence line." Traditionally, EPA Section 111 rules were based on measures that could be applied to, for, and at a particular facility, also referred to as "inside the fence line" measures. Prior to the CPP being issued, every single Section 111 rule on the books, including a handful of existing source rules and around 100 new-source rules, obeyed this limit. As the CPP departed from this traditional limit on EPA's authority under an "inside the fence line" interpretation, EPA is proposing to repeal it.

EPA has now sent the NPRM to the Federal Register for publication. Upon publication, the public will have 60 days to submit comments.

The repeal package includes:

1. The “preamble,” which lays out the proposed legal interpretation, policy implications, and a summary of the cost-benefits analysis of the proposed repeal; and
2. The “Regulatory Impact Analysis (RIA),” an in-depth cost-benefit technical analysis.

CPP Repeal Saves up to \$33 Billion in Avoided Costs in 2030

The proposed repeal both examines the Obama administration’s cost-benefit analysis, as well as provides insights to support an updated analysis of the environmental, health, and economic effects of the proposed repeal. The Trump administration estimates the proposed repeal could provide up to \$33 billion in avoided compliance costs in 2030.

The previous administration’s estimates and analysis of these costs and benefits was, in multiple areas, highly uncertain and/or controversial. Specific areas of controversy and/or uncertainty in the Obama administration’s analysis of CPP include:

- **Domestic versus global climate benefits:** The previous administration compared U.S. costs to an estimate of supposed global benefits, and failed to follow well-established economic procedures in estimating those benefits.
- **“Co-benefits” from non-greenhouse-gas pollutants:** The Obama administration relied heavily on reductions in other pollutants emitted by power plants, essentially hiding the true net cost of the CPP by claiming benefits from reducing pollutants that had nothing to do with the rule’s stated purpose.
- **Energy cost and savings accounting:** The Obama administration counted “energy efficiency” results of their rule as an avoided cost, resulting in a cost estimate being considerably lower than it would have been if they used the appropriate practice of considering these effects as benefits, rather than subtracting them from costs. Had the Obama administration used the Office of Management and Budget’s longstanding requirements and accounted cost and savings accordingly, it would have presented a more accurate accounting of the total cost of the CPP.

In this proposed repeal and its accompanying technical documents, this administration is, in a robust, open, and transparent way, presenting a wide range of analysis scenarios to the public.

As part of the notice-and-comment process for this proposed repeal, EPA will continue this analysis and inform the public, as necessary, to get feedback on new modeling and other information. The final action on this proposed repeal will address the results of this ongoing work.

Forthcoming is an Advanced Notice of Proposed Rulemaking (ANPRM) that will be reflective of a thoughtful and responsible approach to regulatory action grounded within the authority provided by the statute.

“With this action, the Trump administration is respecting states’ role and reinstating transparency into how we protect our environment,” **said Administrator Pruitt.**

Background:

On March 28, President Trump signed an Executive Order on Energy Independence, establishing a national policy in favor of energy independence, economic growth, and the rule of law. The purpose of the Executive Order (EO) is to facilitate the development of U.S. energy resources and to reduce unnecessary regulatory burdens associated with the development of those resources. That same day, EPA Administrator Scott Pruitt signed four Federal Register notices in response to the EO, including a formal announcement of review of the Clean Power Plan. After substantial review, the Agency has proposed to determine that the Clean Power Plan (CPP) must be repealed.

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