

Message

**From:** David M. (Max) Williamson [maxwilliamson@williamsonlawpolicy.com]  
**Sent:** 2/2/2018 7:55:55 PM  
**To:** Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]; Schwab, Justin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eed0f609c0944cc2bbdb05df3a10aadb-Schwab, Jus]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]  
**CC:** Motley, Judy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Motley, Judy]; kharris@corn.org  
**Subject:** RE: Ag Biogenic CO2

Hi all, checking whether we can schedule another working session on the biogenic issue. I know folks in the ag community are eager to see this resolved.

We are available over the next week or so at your convenience.

Regards,

David M. (Max) Williamson | Williamson Law + Policy, PLLC  
1850 M Street NW, Suite 840 | Washington, D.C. 20036 | (202) 256-6155



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**From:** David M. (Max) Williamson  
**Sent:** Friday, January 12, 2018 9:30 AM  
**To:** 'Baptist, Erik' <baptist.erik@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Mandy Gunasekara (gunasekara.mandy@epa.gov) <gunasekara.mandy@epa.gov>  
**Cc:** Motley, Judy <motley.judy@epa.gov>; kharris@corn.org  
**Subject:** RE: Ag Biogenic CO2

Erik and Justin, happy new year. Can we jump start discussions on the biogenic issue again now that clear of the holidays?

Regards,

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**From:** Baptist, Erik [<mailto:baptist.erik@epa.gov>]  
**Sent:** Tuesday, November 7, 2017 8:25 AM  
**To:** David M. (Max) Williamson <[maxwilliamson@williamsonlawpolicy.com](mailto:maxwilliamson@williamsonlawpolicy.com)>; Schwab, Justin <[Schwab.Justin@epa.gov](mailto:Schwab.Justin@epa.gov)>  
**Cc:** Motley, Judy <[motley.judy@epa.gov](mailto:motley.judy@epa.gov)>; [kharris@corn.org](mailto:kharris@corn.org)  
**Subject:** RE: Ag Biogenic CO2

Max,

We are working on a few pressing deadlines this month. Can we reconnect next month to find a time that works? I still need to digest what you sent a few weeks ago.

Thanks,

**Erik Baptist**  
Senior Deputy General Counsel  
Office of General Counsel  
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1200 Pennsylvania Ave., NW  
Washington, DC 20460  
(202) 564-1689  
[baptist.erik@epa.gov](mailto:baptist.erik@epa.gov)

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**From:** David M. (Max) Williamson [<mailto:maxwilliamson@williamsonlawpolicy.com>]  
**Sent:** Monday, November 6, 2017 9:42 AM  
**To:** Baptist, Erik <[baptist.erik@epa.gov](mailto:baptist.erik@epa.gov)>; Schwab, Justin <[Schwab.Justin@epa.gov](mailto:Schwab.Justin@epa.gov)>  
**Cc:** Motley, Judy <[motley.judy@epa.gov](mailto:motley.judy@epa.gov)>; [kharris@corn.org](mailto:kharris@corn.org)  
**Subject:** RE: Ag Biogenic CO2

All, could we schedule a second work session on the resolution of the biogenic issue this week or next?

We found the first session very productive.

Regards,

David M. (Max) Williamson | Williamson Law + Policy, PLLC  
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**From:** David M. (Max) Williamson  
**Sent:** Wednesday, October 25, 2017 10:20 AM  
**To:** 'Baptist, Erik' <[baptist.erik@epa.gov](mailto:baptist.erik@epa.gov)>; Schwab, Justin <[Schwab.Justin@epa.gov](mailto:Schwab.Justin@epa.gov)>  
**Cc:** Motley, Judy <[motley.judy@epa.gov](mailto:motley.judy@epa.gov)>; [kharris@corn.org](mailto:kharris@corn.org)  
**Subject:** RE: Ag Biogenic CO2

CONFIDENTIAL

Justin and Eric, thanks again for taking the time last week to work through a legal analysis of the biogenic CO2 issue. As discussed, to facilitate a resolution, we are sharing a legal analysis of the key regulatory actions (in Word format, attached) which forms the basis for our position that biogenic CO2 has never properly been determined to be a pollutant subject to regulation for purposes of the Clean Air Act.

I am also sharing the Biogenic CO2 Coalition's comments on the Significance Rule proposal from the prior administration, as it contains a comprehensive narrative discussion of the coalition's legal and policy positions.

We look forward to having another "work session" to discuss this issue once you have a chance to study the issues in greater depth. Would you be available sometime the week of November 5?

Regards,

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**From:** Baptist, Erik [<mailto:baptist.erik@epa.gov>]  
**Sent:** Friday, October 13, 2017 12:18 PM  
**To:** David M. (Max) Williamson <[maxwilliamson@williamsonlawpolicy.com](mailto:maxwilliamson@williamsonlawpolicy.com)>; Schwab, Justin <[Schwab.Justin@epa.gov](mailto:Schwab.Justin@epa.gov)>  
**Cc:** Motley, Judy <[motley.judy@epa.gov](mailto:motley.judy@epa.gov)>  
**Subject:** RE: Ag Biogenic CO2

Ok, let's plan for 1:30 p.m. that day.

**Erik Baptist**

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**From:** David M. (Max) Williamson [<mailto:maxwilliamson@williamsonlawpolicy.com>]  
**Sent:** Friday, October 13, 2017 12:06 PM  
**To:** Baptist, Erik <[baptist.erik@epa.gov](mailto:baptist.erik@epa.gov)>; Schwab, Justin <[Schwab.Justin@epa.gov](mailto:Schwab.Justin@epa.gov)>  
**Cc:** Motley, Judy <[motley.judy@epa.gov](mailto:motley.judy@epa.gov)>  
**Subject:** Re: Ag Biogenic CO2

Erik, that can work - even better if we could start earlier we have a 3pm over at DOE. Thanks

David M. (Max) Williamson  
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**From:** Baptist, Erik  
**Sent:** Friday, October 13, 2017 11:39  
**To:** David M. (Max) Williamson; Schwab, Justin  
**Cc:** Motley, Judy  
**Subject:** RE: Ag Biogenic CO2

Let's plan for Friday, October 20, at 2:00-3:00 p.m.

Thanks

**Erik Baptist**

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**From:** David M. (Max) Williamson [<mailto:maxwilliamson@williamsonlawpolicy.com>]  
**Sent:** Friday, October 13, 2017 5:45 AM  
**To:** Baptist, Erik <[baptist.erik@epa.gov](mailto:baptist.erik@epa.gov)>; Schwab, Justin <[Schwab.Justin@epa.gov](mailto:Schwab.Justin@epa.gov)>  
**Subject:** RE: Ag Biogenic CO2

Thanks, Erik, I look forward to talking.

I could do morning of . . .

- Friday, Oct 20 (outside the proposed range but a Friday)
- Mon Oct 23
- Tues Oct 24 (morning)
- Fri Oct 27 is a possibility but probably by phone only

Best regards,

David M. (Max) Williamson | Williamson Law + Policy, PLLC  
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**From:** Baptist, Erik [<mailto:baptist.erik@epa.gov>]  
**Sent:** Friday, October 13, 2017 12:24 AM  
**To:** David M. (Max) Williamson <[maxwilliamson@williamsonlawpolicy.com](mailto:maxwilliamson@williamsonlawpolicy.com)>; Schwab, Justin <[Schwab.Justin@epa.gov](mailto:Schwab.Justin@epa.gov)>  
**Subject:** RE: Ag Biogenic CO2

Max,

Apologies for the delayed response. Is there a day during the week of October 23-27 that works best for you? Fridays are usually best for us.

Thanks,

**Erik Baptist**

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Office of General Counsel  
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**From:** David M. (Max) Williamson [<mailto:maxwilliamson@williamsonlawpolicy.com>]  
**Sent:** Wednesday, October 4, 2017 8:17 AM  
**To:** Schwab, Justin <[Schwab.Justin@epa.gov](mailto:Schwab.Justin@epa.gov)>; Baptist, Erik <[baptist.erik@epa.gov](mailto:baptist.erik@epa.gov)>  
**Subject:** Ag Biogenic CO2

Justin and Erik, following on a telecon with Mandy, I'd like to offer to sit down with you and walk through our legal analysis of the biogenic CO2 policy, which led us to the conclusion that re-interpreting the endangerment finding was the most sensible solution to this issue which has the ag community inflamed.

Could we convene a small working group (no more than 3-4) for an in-person sit down?

Regards,

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