

Message

From: McLamb, Marguerite [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=85F0F472928E4767965C94E609FEDC45-MCLAMB, MARGUERITE]
Sent: 3/24/2025 5:30:07 PM
To: Branning, Amy [Branning.Amy@epa.gov]
Subject: RE: Commercial sterilizers - Presidential Exemption in Fact Sheet

I'll let you know as soon as I see it!

From: Branning, Amy <Branning.Amy@epa.gov>
Sent: Monday, March 24, 2025 11:48 AM
To: McLamb, Marguerite <McLamb.Marguerite@epa.gov>; Witt, Jon <Witt.Jon@epa.gov>; Swanson, Nicholas <Swanson.Nicholas@epa.gov>
Cc: Anderson, Lea <anderson.lea@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Do, Bebhinn <do.bebhinn@epa.gov>
Subject: RE: Commercial sterilizers - Presidential Exemption in Fact Sheet

CUI//PRIVILEGE

Thank you, Marguerite. Can you let me know as soon as that announcement is out today? Thank you.

Amy Huang Branning
Attorney-Advisor
USEPA Office of General Counsel
(202)564-1744

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From: McLamb, Marguerite <McLamb.Marguerite@epa.gov>
Sent: Monday, March 24, 2025 11:36 AM
To: Branning, Amy <Branning.Amy@epa.gov>; Witt, Jon <Witt.Jon@epa.gov>; Swanson, Nicholas <Swanson.Nicholas@epa.gov>
Cc: Anderson, Lea <anderson.lea@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Do, Bebhinn <do.bebhinn@epa.gov>
Subject: RE: Commercial sterilizers - Presidential Exemption in Fact Sheet

CUI//PRIVILEGE

Adding Nick Swanson as GLs and adding Robin and Bebhinn for awareness of present interest and inquiries in the exemption.

As general info for Amy - this afternoon, the agency is announcing the possibility of obtaining a s. 112(i) Presidential exemption for the NESHAPs that were in the March 12 reconsideration announcement. There are fact sheets on the relevant NESHAP websites that mention the exemption. I don't know the process for handling the requests, and we should discuss how to handle EOSA's situation, since they put their "request" in a letter.

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The exemption is mentioned in the PDF that appears on each affected NESHAP's website:

https://www.epa.gov/system/files/documents/2025-03/neshap_powering-the-great-american-comeback_fact-sheet_2.pdf.

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From: Branning, Amy <Branning.Amy@epa.gov>

Sent: Monday, March 24, 2025 11:14 AM

To: McLamb, Marguerite <McLamb.Marguerite@epa.gov>; Witt, Jon <Witt.Jon@epa.gov>

Cc: Anderson, Lea <anderson.lea@epa.gov>

Subject: FW: Commercial sterilizers - Presidential Exemption in Fact Sheet

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Hi:

EOSA is asking about the status of its Presidential Exemption Request that it made in response to EPA's fact sheet below. I was not aware of this fact sheet. Do you know who at EPA has been receiving these requests?

Amy Huang Branning
Attorney-Advisor
USEPA Office of General Counsel
(202)564-1744

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From: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>

Sent: Monday, March 24, 2025 11:05 AM

To: Branning, Amy <Branning.Amy@epa.gov>

Cc: Anderson, Lea <anderson.lea@epa.gov>

Subject: RE: Commercial sterilizers - signed letter attached.

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Amy - EOSA wants to know the status of their 112(i)(4) Presidential Exemption request for their compliance deadlines. It was something they requested in their letter to EPA, per EPA's factsheet:

https://www.epa.gov/system/files/documents/2025-03/neshap_powering-the-great-american-comeback_fact-sheet_2.pdf

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From: Branning, Amy <Branning.Amy@epa.gov>
Sent: Friday, March 21, 2025 1:05 PM
To: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Anderson, Lea <anderson.lea@epa.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Subject: [EXTERNAL] RE: Commercial sterilizers - signed letter attached.

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Attached is the signed letter. Thank you for your patience.

Amy Huang Branning
Attorney-Advisor
USEPA Office of General Counsel
(202)564-1744

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From: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>
Sent: Thursday, March 20, 2025 3:33 PM
To: Marks, Matthew <Marks.Matthew@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>
Cc: Anderson, Lea <anderson.lea@epa.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Subject: RE: Commercial sterilizers **Ex. 5 Attorney Client (AC)**

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Thank you! Once you have it, please send us the signed letter from Abbie after it's been sent to EOSA. Do you think it'll be signed today (or if not, what the timing on it is)?

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From: Marks, Matthew <Marks.Matthew@epa.gov>
Sent: Thursday, March 20, 2025 1:53 PM
To: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Branning, Amy <Branning.Amy@epa.gov>
Cc: Anderson, Lea <anderson.lea@epa.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Subject: [EXTERNAL] Re: Commercial sterilizers **Ex. 5 Attorney Client (AC)**

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They didn't look at the last version and signed off on the new path forward yesterday, so I think we're good to proceed.

Matthew C. Marks

Deputy Associate General Counsel
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M: 202-603-6170
E: marks.matthew@epa.gov

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From: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>

Sent: Thursday, March 20, 2025 1:30:47 PM

To: Branning, Amy <Branning.Amy@epa.gov>

Cc: Anderson, Lea <anderson.lea@epa.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>; Marks, Matthew <Marks.Matthew@epa.gov>

Subject: RE: Commercial sterilizers **Ex. 5 Attorney Client (AC)**

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Amy - Will EPA OGC FO need to review this?

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From: Branning, Amy <Branning.Amy@epa.gov>

Sent: Thursday, March 20, 2025 10:31 AM

To: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Marks, Matthew <Marks.Matthew@epa.gov>

Cc: Anderson, Lea <anderson.lea@epa.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>

Subject: [EXTERNAL] RE: Commercial sterilizers **Ex. 5 Attorney Client (AC)**

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Jeff:

Here are our comments/suggested edits. Let us know if you want to discuss any of our comments/edits. Thank you.

Amy Huang Branning
Attorney-Advisor
USEPA Office of General Counsel
(202)564-1744

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From: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>
Sent: Wednesday, March 19, 2025 4:16 PM
To: Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Branning, Amy <Branning.Amy@epa.gov>; Anderson, Lea <anderson.lea@epa.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Subject: RE: Commercial sterilizers **Ex. 5 Attorney Client (AC)**



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Thank you, Matt! Here's **Ex. 5 AC/AWP** **Ex. 5 AC/AWP**. Can EPA review and send any edits/comments by COB tomorrow?

Ex. 5 AC/AWP

From: Marks, Matthew <Marks.Matthew@epa.gov>
Sent: Wednesday, March 19, 2025 1:47 PM
To: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Cc: Branning, Amy <Branning.Amy@epa.gov>; Anderson, Lea <anderson.lea@epa.gov>; Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>
Subject: [EXTERNAL] RE: Commercial sterilizers **Ex. 5 Attorney Client (AC)**

Sean and Nate: **Ex. 5 AC/AWP**

Matthew C. Marks
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2025-EPA-04883

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From: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Sent: Wednesday, March 19, 2025 11:37 AM
To: Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Branning, Amy <Branning.Amy@epa.gov>; Anderson, Lea <anderson.lea@epa.gov>; Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>
Subject: RE: Commercial sterilizers **Ex. 5 Attorney Client (AC)**

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Yes: **Ex. 5 AC/AWP**

Eric Hostetler
Acting Assistant Section Chief
Environmental Defense Section
United States Department of Justice
(202) 305-2326

From: Marks, Matthew <Marks.Matthew@epa.gov>
Sent: Wednesday, March 19, 2025 11:36 AM
To: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Cc: Branning, Amy <Branning.Amy@epa.gov>; Anderson, Lea <anderson.lea@epa.gov>; Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>
Subject: [EXTERNAL] RE: Commercial sterilizers **Ex. 5 Attorney Client (AC)**

Thanks Eric. This is helpful: **Ex. 5 AC/AWP**
Ex. 5 AC/AWP

Matthew C. Marks
Deputy Associate General Counsel
Air and Radiation Law Office
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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
T: [202-564-3276](tel:202-564-3276)
M: [202-603-6170](tel:202-603-6170)
E: marks.matthew@epa.gov

From: Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Sent: Wednesday, March 19, 2025 11:33 AM
To: Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Branning, Amy <Branning.Amy@epa.gov>; Anderson, Lea <anderson.lea@epa.gov>; Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>
Subject: RE: Commercial sterilizers **Ex. 5 Attorney Client (AC)**

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Matt,

Ex. 5 AC/AWP

Eric Hostetler
Acting Assistant Section Chief
Environmental Defense Section
United States Department of Justice
(202) 305-2326

From: Marks, Matthew <Marks.Matthew@epa.gov>
Sent: Wednesday, March 19, 2025 11:16 AM
To: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>
Cc: Branning, Amy <Branning.Amy@epa.gov>; Anderson, Lea <anderson.lea@epa.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Subject: [EXTERNAL] RE: Commercial sterilizers **Ex. 5 Attorney Client (AC)**

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) Would appreciate Eric's thoughts before I talk to Nate and Sean at 1pm.

Matthew C. Marks
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E: marks.matthew@epa.gov

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From: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>
Sent: Wednesday, March 19, 2025 10:57 AM
To: Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Branning, Amy <Branning.Amy@epa.gov>; Anderson, Lea <anderson.lea@epa.gov>; Hostetler, Eric (ENRD) <Eric.Hostetler@usdoj.gov>
Subject: RE: Commercial sterilizers **Ex. 5 Attorney Client (AC)**

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(adding Eric H.)

Ex. 5 AC/AWP

From: Marks, Matthew <Marks.Matthew@epa.gov>
Sent: Wednesday, March 19, 2025 10:03 AM
To: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>
Cc: Branning, Amy <Branning.Amy@epa.gov>; Anderson, Lea <anderson.lea@epa.gov>
Subject: [EXTERNAL] RE: Commercial sterilizers **Ex. 5 Attorney Client (AC)**

Two more questions

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Matthew C. Marks
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Office of General Counsel
U.S. Environmental Protection Agency
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M: 202-603-6170
E: marks.matthew@epa.gov

From: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>
Sent: Wednesday, March 19, 2025 9:42 AM

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2025-EPA-04883

SC_EVERSPLIT0008006

To: Marks, Matthew <Marks.Matthew@epa.gov>
Cc: Branning, Amy <Branning.Amy@epa.gov>; Anderson, Lea <anderson.lea@epa.gov>
Subject: RE: Commercial sterilizers **Ex. 5 Attorney Client (AC)**

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Attached. These both used declarations but I believe our plan here will be to use the letter that Abbie signs in lieu of a declaration. Nate attended the TSCA framework moot yesterday so is familiar with that case, which I would use as the template for the remand motion here (I already cribbed a lot from it for the current abeyance motion).

From: Marks, Matthew <Marks.Matthew@epa.gov>
Sent: Wednesday, March 19, 2025 9:39 AM
To: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Branning, Amy <Branning.Amy@epa.gov>; Anderson, Lea <anderson.lea@epa.gov>
Subject: [EXTERNAL] RE: Commercial sterilizers **Ex. 5 Attorney Client (AC)**

Can you send me t **Ex. 5 Deliberative Process (DP)** so I can understand the strategy? I can get a decision at my 1pm today with Sean and Nate.

Matthew C. Marks
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E: marks.matthew@epa.gov

From: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>
Sent: Wednesday, March 19, 2025 9:37 AM
To: Marks, Matthew <Marks.Matthew@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>; Anderson, Lea <anderson.lea@epa.gov>
Subject: RE: Commercial sterilizers **Ex. 5 Attorney Client (AC)**

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Ex. 5 AC/AWP

What's the best way to tee this up?

From: Marks, Matthew <Marks.Matthew@epa.gov>
Sent: Wednesday, March 19, 2025 9:32 AM
To: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>; Branning, Amy <Branning.Amy@epa.gov>; Anderson, Lea

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<anderson.lea@epa.gov>

Subject: [EXTERNAL] RE: Commercial sterilizers **Ex. 5 Attorney Client (AC)**

Ex. 5 Deliberative Process (DP)

Matthew C. Marks

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Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
T: 202-564-3276
M: 202-603-6170
E: marks.matthew@epa.gov

From: Hammons, Jeffrey (ENRD) <Jeffrey.Hammons@usdoj.gov>

Sent: Wednesday, March 19, 2025 9:29 AM

To: Branning, Amy <Branning.Amy@epa.gov>; Anderson, Lea <anderson.lea@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>

Subject: Commercial sterilizers **Ex. 5 Attorney Client (AC)**



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Hi all –

Ex. 5 AC/AWP

Please let me know if you have any concerns with this path.

Jeffrey Hammons

Trial Attorney
Environmental Defense Section
Environment & Natural Resources Division
U.S. Department of Justice
(202) 598-6925
jeffrey.hammons@usdoj.gov

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