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**From:** Hewitt, James [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=41B19DD598D340BB8032923D902D4BD1-HEWITT, JAM]  
**Sent:** 10/26/2017 3:14:56 PM  
**To:** Timothy Pearce [timothy@dailycallernewsfoundation.org]  
**CC:** Abboud, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6f5af791a1842f1adcc088cbf9ed3ce-Abboud, Mic]  
**Subject:** RE: chemical story

Best number to reach you at?

**From:** Timothy Pearce [mailto:timothy@dailycallernewsfoundation.org]  
**Sent:** Thursday, October 26, 2017 11:13 AM  
**To:** Hewitt, James <hewitt.james@epa.gov>  
**Cc:** Abboud, Michael <abboud.michael@epa.gov>  
**Subject:** Re: chemical story

Yep

On Thu, Oct 26, 2017 at 11:12 AM, Hewitt, James <[hewitt.james@epa.gov](mailto:hewitt.james@epa.gov)> wrote:

Can we call you to talk?

Sent from my iPhone

On Oct 26, 2017, at 11:10 AM, Timothy Pearce <[timothy@dailycallernewsfoundation.org](mailto:timothy@dailycallernewsfoundation.org)> wrote:

Sure. What would be the most accurate phrasing for what the EPA is doing? What was wrong with the way the Obama administration was interpreting it?

On Thu, Oct 26, 2017 at 11:02 AM, Hewitt, James <[hewitt.james@epa.gov](mailto:hewitt.james@epa.gov)> wrote:

Hey Tim,

Wanted to flag that the AP story you reported on is misleading and was wondering if you could update with a statement from EPA.

**Off-the record:** By law, we cannot scale back the scope of review. I've provided a statement and backgrounder for you to sue if you could please update your story.

**"EPA is committed to protecting human health and the environment. EPA remains focused on robust chemical evaluations consistent with the law." - EPA spokesperson Jahan Wilcox**

Additional Background:

The New York Times' and the AP's characterization of how the U.S. Environmental Protection Agency (EPA) has been implementing the Toxic Substances Control Act (TSCA) is both misleading and inaccurate. Therefore, the Agency would like to clarify that EPA, in accordance with the law, will review uses of chemical that pose the greatest potential for risk to human health or the environment. As the final updated TSCA rule, the Frank R. Lautenberg Chemical Safety for the 21st Century Act Federal Register 3728 explains, EPA will **"always include evaluations of conditions of use that raised the greatest potential for risk."** 82 Fed Reg 3728. EPA wasn't a day late in issuing the first three rules required by the Lautenberg act for one year after its enactment.

<http://dailycaller.com/2017/10/25/trump-admin-is-backing-off-an-obama-era-review-of-chemical-products/>

**Trump Admin Is Backing Off An Obama-Era Review Of Chemical Products**

By Tim Pearce, 10/25/17

The Environmental Protection Agency is scaling back a congressionally mandated review of chemicals, dropping toxins from the list that are already in widespread use, The Associated Press reports.

The review began under former President Barack Obama as an overhaul to the Toxic Substances Control Act, that treated chemicals used in market product on an innocent until proven guilty basis, according to Time.

Environmentalists and business interests supported the legislation with both sides agreeing the original law was weak.

In enacting the law, Obama proposed reviewing all chemicals and products sold on the market or still in use though production has ceased. The scope of the reform was criticized as unrealistic, especially since the legislation does not provide a way for the agency to fund such an extensive review.

“The compromise version looks like a house of cards,” New York University environmental health professor Leonardo Trasande told Time after it passed Congress. “It has a very strong principles, but the implementation could leave less than the desired outcome.”

President Donald Trump wants to lessen the scope, focusing on products still being manufactured and entering the market, the AP reports.

Democratic Sen. Tom Udall of New Mexico, one of the laws authors, said the EPA is not acting in the spirit of the law by limiting the review.

“It doesn’t matter whether the dangerous substance is no longer being manufactured; if people are still being exposed, then there is still a risk,” Udall told the AP. “Ignoring these circumstances would openly violate the letter and the underlying purpose of the law.”

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**Tim Pearce**

Reporter

**Ex. 6**

17th Street NW, Suite 909  
Washington DC 20036

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**Tim Pearce**

**Ex. 6**

17th Street NW, Suite 900  
Washington DC 20036