

## BACKGROUND BRIEF ON SCOTT PRUITT & THE EPA

### WHO IS SCOTT PRUITT ...

**Scott Pruitt: Politics, baseball and Jesus.** “Politics, baseball and Jesus. That’s what Scott Pruitt and his friend and campaign manager Matt Pinnell talked about as they crisscrossed Oklahoma in 2006 trying to get Pruitt elected lieutenant governor. Politics, baseball and Jesus. With his energy and persistence, they have carried Pruitt to victory and nursed him through defeat. And they have him on the verge of running the agency many view as the embodiment of government regulation run amok, the Environmental Protection Agency.” ([Tulsa World](#), 01/16/17)

**Scott Pruitt, outspoken and forceful, moves to the center of power within the Trump administration.** “Less than four months ago, Scott Pruitt arrived in Washington with few connections to President Trump’s inner circle and took the helm of an agency where many employees were openly hostile to him. But the administrator of the Environmental Protection Agency has emerged as one of the most influential policy architects in the president’s Cabinet, a skilled and sometimes brash lawyer who is methodically taking apart a slew of regulations and agreements affecting a range of issues, from manufacturing operations to landfills.” ([The Washington Post](#), 06/02/17)

**Scott Pruitt’s Back-to-Basics Agenda for the EPA.** “Republican presidents tend to nominate one of two types of administrator to lead the Environmental Protection Agency. The first is the centrist—think Christie Todd Whitman (2001-03)—who might be equally at home in a Democratic administration. The other is the fierce conservative—think Anne Gorsuch (1981-83)—who views the agency in a hostile light. Scott Pruitt, whom the Senate confirmed Friday, 52-46, doesn’t fit either mold. His focus is neither expanding nor reducing regulation. ‘There is no reason why EPA’s role should ebb or flow based on a particular administration, or a particular administrator,’ he says. ‘Agencies exist to administer the law. Congress passes statutes, and those statutes are very clear on the job EPA has to do. We’re going to do that job.’ You might call him an EPA originalist.” ([The Wall Street Journal](#), 02/17/17)

### WHY ARE WE COMING TO NORTH DAKOTA ...

EPA Administrator Scott Pruitt is coming to North Dakota at the request of Governor Doug Burgum. While in North Dakota, he will hold a roundtable on the Waters of the United States Tour at NDSU. Additionally, given that North Dakota is a leader in energy, he will then travel with the Governor to Grand Forks, where Pruitt, Burgum and UND President Mark Kennedy will tour the UND Energy & Environmental Research Center, which will be followed by a roundtable discussion.

**Farm groups applaud withdrawal of WOTUS rule.** “Farm group leaders were predictably pleased Tuesday with the announcement that the U.S. Environmental Protection Agency has filed an official proposal to withdraw the controversial Waters of the United States rule.

“This is good news. There has just been so much uncertainty for growers,” said Theresia Gillie, a Hallock, Minn., farmer and president of her state Soybean Growers Association. Daryl Lies, a Douglas farmer and president of the North Dakota Farm Bureau, said the announcement ‘is a big deal and a great day for agriculture.’” ([Bismarck Tribune](#), 06/27/17)

**EPA Signs off on North Dakota Regulation of CO2 Wells.** “The Trump administration is proposing to make North Dakota the first state with the power to regulate underground wells used for long-term storage of waste carbon dioxide captured from industrial sources such as coal-fired power plants. Environmental Protection Agency Administrator Scott Pruitt on Tuesday signed off on the proposal that had languished under the Obama administration. A final decision will come after a 60-day public comment period that will follow a Federal Register posting. North Dakota, which has a large coal industry, would be the first state to get such authority, according to the EPA.” ([The Associated Press](#), 05/09/17)

**WOTUS ...**

**EPA, U.S. Army Move to Rescind 2015 "Waters of the U.S."** “The Environmental Protection Agency, Department of Army, and Army Corps of Engineers (the agencies) are proposing a rule to rescind the Clean Water Rule and re-codify the regulatory text that existed prior to 2015 defining "waters of the United States" or WOTUS. This action would, when finalized, provide certainty in the interim, pending a second rulemaking in which the agencies will engage in a substantive re-evaluation of the definition of "waters of the United States." The proposed rule would be implemented in accordance with Supreme Court decisions, agency guidance, and longstanding practice. ‘We are taking significant action to return power to the states and provide regulatory certainty to our nation's farmers and businesses,’ said Administrator Scott Pruitt. ‘This is the first step in the two-step process to redefine 'waters of the U.S.' and we are committed to moving through this re-evaluation to quickly provide regulatory certainty, in a way that is thoughtful, transparent and collaborative with other agencies and the public.’ This proposed rule follows the February 28, 2017, Presidential Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule." The February Order states that it is in the national interest to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the States under the Constitution. To meet these objectives, the agencies intend to follow an expeditious, two-step process that will provide certainty across the country.” ([Press Release](#), 06/27/17)

**Governor Doug Burgum (ND):** “Clean water is critical to quality of life and our economy, and no one cares more about clean water in North Dakota than the people who live here. Today’s action is a welcome step toward a rule recognizing that states are best positioned to protect, manage and regulate their own waters. The Obama administration’s WOTUS rule was a particularly egregious example of regulatory overreach that effectively classified almost every

pond, pothole and slough as a federal managed waterway, creating confusion and uncertainty for farmers, ranchers, landowners and local governments. We are encouraged that the EPA and Corps of Engineers have been reaching out to governors early in this renewed rulemaking process, and we hope such consultation will continue and culminate in a rule that respects states' authority and unique role in protecting their water resources. We are grateful to EPA Administrator Scott Pruitt for his leadership on this issue." ([Press Release](#), 06/27/17)

#### **North Dakota's Sequestration Wells ...**

##### **ND could become 1st state to regulate injection wells to store carbon dioxide underground.**

"The Environmental Protection Agency administrator announced Tuesday, May 9, he has signed a proposed rule that will allow North Dakota to regulate underground wells to store carbon dioxide, opening the door for new projects to reduce emissions. The long-awaited step from the EPA puts North Dakota on track to become the first state to have regulatory authority over Class VI wells, or injection wells, that can store carbon dioxide deep underground instead of releasing it into the atmosphere." ([Fargo Forum](#), 05/09/17)

**Senator Hoevan's Statement:** "We appreciate Administrator Pruitt moving forward with the state's application to be the primary regulator for Class VI wells. We've worked since 2008 to develop a states-first approach to regulating geological sequestration, which will help our energy industry, both traditional and renewable, to develop new technologies for storing CO2. This is important as we work to develop clean coal technologies, as well as projects to sequester CO2 from ethanol production."

**Congressman Crammer's Statement:** "Nearly four years after North Dakota first made the request, the EPA – under new management – is finishing its work on the State's application to regulate carbon capture within their state boundaries. As a former North Dakota Public Service Commissioner overseeing environmental programs such as the Surface Mine Coal Reclamation Act, I know first-hand how efficiently and responsibly the State of North Dakota exercises these delegated powers. With the State's expert staff and long history of leading environmental programs, it only makes sense for them to take over as the primary regulator of carbon capture regulations. The announcement today is a victory for our State, and I'm grateful for the Administrator Pruitt's swift action on this request."

#### **North Dakota & EPA ...**

**All of a Sudden North Dakota and the EPA Are Getting Along.** "In years past, when I'd talk with colleagues and others from out of state, I'd joke that North Dakota's official pastime is suing the federal government. Because our state does it a lot, and regulations implemented by the Environmental Protection Agency have always been a frequent target. But of late, under the Trump administration, there has been a big shift in our state's relationship with that federal agency. 'The days of coercive federalism are over,' new EPA head Scott Pruitt said earlier this year in a letter to Governor Doug Burgum. Today, in a press release announcing the EPA's

proposed approval of a state-run carbon capture and sequestration program for North Dakota, the federal agency touted it as an example of ‘cooperative federalism.’” ([Grand Forks Herald](#), 05/09/17)

### **BACK-TO-BASICS AGENDA ...**

Press Release

April 20, 2017

<https://www.epa.gov/home/back-basics-agenda>

Administrator Pruitt's "Back-to-Basics Agenda" reflects his efforts to refocus EPA on its intended mission, return power to the states and create an environment where jobs can grow. The agenda focuses on the three E's:

- Environment: Protecting the environment
- Economy: Sensible regulations that allow economic growth
- Engagement: Engaging with state and local partners.

Administrator Pruitt kicked off his “Back to Basics Agenda” on April 13 at the Harvey Mine in Sycamore, Pennsylvania. He spoke with coal miners about the president’s recent Energy Independence Executive Order, which directs EPA and other federal agencies to review the Clean Power Plan and revise regulatory barriers that impede energy independence, including unnecessary burdens on coal miners and coal-fired electric utilities. ([Reuters](#), 07/12/17)

### **CLIMATE CHANGE ...**

REUTERS: The consensus has been overwhelming that climate change has been caused by human beings...

PRUITT: That’s not the question. It is not a question about whether the climate is warming. It is not a question about whether human activity contributes to it. It is a question about how much we contribute to it? How do we measure that with precision? And by the way, are we on an unsustainable path? And what harm...is it causing an existential threat? ([Reuters](#), 07/12/17)

### **PARIS ACCORD ...**

REUTERS: On Paris and climate change, polls show younger people are more supportive of U.S leadership on climate change. How do you explain your decision to a younger generation?

PRUITT: That’s not what Paris was about. I get what you’re saying but here’s the deal though. It was not about whether the U.S. is going to continue leading on reducing our CO2 footprint because Paris didn’t actually do that. Paris was a bumper sticker. Go back and read the articles about the criticism that was levied on the environmental left. They were very critical and dismissive of the Paris agreement. You know why? Because China didn’t have to do anything until 2030 and India conditioned all of their obligations upon receiving two and a half trillion dollars of aid. Russia, India and China contributed 0 dollars to the Green Climate Fund. People

have short memories there. We are already at pre 94 levels and we exited Kyoto in 2001 and from 2000 to 2014 we reduced our CO2 foot print by 18 plus percent. That's better than others across the globe. When people really want action and meaningful outcomes with regards to this, we are doing it. We are at pre-1994 levels. Paris was not in my view – it shouldn't be symbolic or optical with respect to whether progress or no progress is being made in CO2 reduction. ([Reuters](#), 07/12/17)

#### **CLIMATE DENIER ...**

“Pruitt bristled at the phrase "climate denier," a description that his critics have often applied to him in light of his repeated statements disputing scientific conclusions about the large role humans play in warming the planet. ‘What does it even mean? That’s what I think about it. I deny the climate? Really? Wow, OK. That’s crazy, in my view,’ he said. Pruitt reiterated his position that the climate is warming and humans contribute to that, but "the ability to measure with precision the human contribution to warming is something that’s very challenging to do.” ([Politico](#), 07/12/17)

#### **PREVIOUS ADMINISTRATION’S SO-CALLED ACCOMPLISHMENTS (FLINT & GOLD KING MINE) ...**

“The water crisis in Flint, which still affects thousands of that Michigan city’s residents, emerged in surprising ways at the hearing for EPA nominee and Oklahoma Attorney General Scott Pruitt. In his remarks opening the hearing, Senate Environment and Public Works Chairman John Barrasso (R-Wyo.) cited Flint as an example of what Pruitt would need to fix — and what the Obama administration had wrought. ‘The regulatory zeal of the last eight years has violated a fundamental principle of environmental stewardship, which is ‘do no harm,’” said Barrasso. “This failed environmental leadership has contributed to two of the worst government-created environmental disasters in decades: the Gold King Mine spill, and Flint, Michigan’s water crisis.’ There was a shift in the usual poker-faced expressions of Democrats when Barrasso said that. The Gold King Mine spill was the direct fault of the EPA, which botched the handling of a wastewater study. But the Flint crisis, and the presence of lead in water that poisoned residents for a year, was created by a confluence of factors. In a 2016 report, the EPA took blame for not alerting the public about the problem with lead in the water, but said that it had done so out of a preponderance of caution.” ([The Washington Post](#), 01/18/17)

**Pruitt’s EPA awarded \$100 million to upgrade drinking water in Flint, Michigan.** “The U.S. Environmental Protection Agency (EPA) today awarded a \$100 million grant to the Michigan Department of Environmental Quality to fund drinking water infrastructure upgrades in Flint, Mich.” ([Press Release](#), 03/17/17)

**Pruitt’s EPA committed additional funds surround the Gold King Mine release, bringing the total to \$29 million.** “The U.S. Environmental Protection Agency (EPA) has provided over \$90,000 in additional reimbursements to five entities in Colorado and Utah for their costs

incurred responding to the August 5, 2015, Gold King Mine release.” ([Press Release](#), 03/16/17)

#### **WORKING WITH STATE & LOCAL LEADERS ...**

**In his first week, Pruitt met with 18 Governors.** “In his first week on the job as EPA Administrator, Scott Pruitt has now met with 18 Governors and Lieutenant Governors, putting into action his promise of an open door policy and a new beginning of partnership with the states.” ([Press Release](#), 02/26/17)

**EPA Administrator Pruitt met with the U.S. Conference of Mayors.** “U.S. EPA Administrator Scott Pruitt will deliver remarks to the U.S. Conference of Mayors’ Leadership Meeting tomorrow to discuss agency priorities under the Trump Administration.” ([Press Release](#), 03/01/17)

**Administrator Scott Pruitt sent letters to state governors advising them that they are under no obligation to adhere to the Clean Power Plan rule.** “The days of coercive federalism are over,” the letter reads. “Accordingly, I look forward to working with you, your state experts and local communities as we develop a path forward to improve our environment and bolster the economy in a manner that is respectful of and consistent with the rule of law.” ([Press Release](#), 03/30/17)

#### **WORKING WITH PRESIDENT TRUMP ON ROLLING BACK OBAMA’S AGENDA ...**

**An executive order was issued to rescind WOTUS.** “President Trump and EPA Administrator Scott Pruitt issued an executive order to rescind or revise the 2015 Clean Water Rule: Definition of ‘Waters of the United States.’” ([Press Release](#), 02/28/17)

**An executive order was issued to rescind the so-called Clean Power Plan.** “Today, at the Environmental Protection Agency surrounded by American energy workers, public employees and members of Congress, President Donald Trump signed the Energy Independence Executive Order to protect thousands of jobs and strengthen energy security, while also ensuring that our policies provide clean air and clean water for all of our citizens.” ([Press Release](#), 03/28/17)

#### **EXAMINING COSTLY REGULATIONS ...**

**EPA to reexamine emission standards for cars and light duty trucks.** “These standards are costly for automakers and the American people,” said EPA Administrator Scott Pruitt. “We will work with our partners at DOT to take a fresh look to determine if this approach is realistic. This thorough review will help ensure that this national program is good for consumers and good for the environment.” ([Press Release](#), 03/15/17)

**EPA Administrator seeks additional time to review RMP Rule.** “Administrator Scott Pruitt signed a proposed rule this week to further delay the effective date of EPA’s Risk Management Program (RMP) Amendments to allow EPA time to complete the process for reconsidering the

RMP Amendments issued on January 17, 2017.” ([Press Release, 03/31/17](#))

**EPA extended the comment period on the Hard Rock Mining proposed rule that could cost businesses \$171 million annually.** “The Environmental Protection Agency today issued a 120-day extension of the comment period related to proposed financial responsibility requirements for the hard rock mining industry. The Agency has received dozens of requests to extend the comment period. EPA estimates predict the implementation of these requirements would cost American businesses up to \$171 million a year.” ([Press Release, 02/24/17](#))

#### **CLEANING UP THE ENVIRONMENT ...**

**The EPA kicks-off cleanup at the West Oakland Superfund site.** “[The EPA] joined local leaders and community members in Oakland to celebrate the installation and start-up of a new groundwater and soil treatment system at the AMCO Chemical Superfund Site.” ([Press Release, 03/18/17](#))

**The EPA will resume cleanup at the East Chicago Superfund site.** “The U.S. Environmental Protection Agency (EPA) is preparing to resume cleanup work in zones 2 and 3 of the USS Lead Superfund site in East Chicago in April. EPA has reached an agreement with several potentially responsible parties to fund part of this work valued at an estimated \$16 million -- in addition to the \$26 million already secured for work under a 2014 consent decree.” ([Press Release, 03/20/17](#))

**EPA set to oversee second phase of \$43 million cleanup of Pompton Lake.** “The second phase of Pompton Lake cleanup will begin this spring and the U.S. Environmental Protection Agency (EPA) is holding a public session to discuss that work.” ([Press Release, 03/28/17](#))

#### **ALLOCATING FUNDS FOR VITAL PROJECTS ...**

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**EPA awards \$380,000 to Diné College for abandoned uranium mine study in Arizona.** ([Press Release, 02/28/17](#))

**EPA Awards \$1.09 million DERA Grant to Gees Bend Ferry in Alabama.** Today, the U.S.

Environmental Protection Agency (EPA) awarded a \$1.09 million Diesel Emissions Reduction Act (DERA) grant to the historic Gees Bend Ferry in Wilcox County, AL. ... The DERA award will provide partial funding to replace the current diesel-powered ferry with a 100% electric ferry. This will be the first zero-emission passenger/vehicle ferry of its type in the United States, and only the second of its kind in the world. ([Press Release](#), 02/24/17)