

RECEIVED

MAR 21 2017

Office of the General Counsel
Oklahoma Bar Association

GRIEVANCE FORM

PAGE ONE

RETURN FORM TO: Office of the General Counsel
Oklahoma Bar Association
P.O. Box 53036
Oklahoma City, OK 73152

Complainant Information: *Please see attachment center for Biological Diversity*

Prefix: Mr. Mrs. Ms. *Complainants Prof Kristen van de Bierenbos*

First Name: _____ Date of birth: _____ *University of Oklahoma College of Law*

Middle Name: _____ Email: _____

Last Name: _____ Telephone: _____

Address: _____ Home: _____

City: _____ Business: _____

State: _____ Zip code: _____ Mobile: _____

Attorney against whom you wish to file a grievance: (NO LAW FIRMS)

Prefix: Mr. Mrs. Ms.

First Name: Edward

Middle Name: Scott Telephone: _____

Last Name: Pruitt Business: (202) 564-4700

Address: U.S. Environmental Protection Agency
William Jefferson Clinton Bldg Home: _____

City: Washington Mail code 1101A, 1200 Pennsylvania Ave NW Mobile: _____

State: DC Zip code: 20460 Email: pruitt.scott@epa.gov

1. Did you employ the attorney? Yes _____ No
- a. Approximate date you employed the attorney: N/A
- b. Was there a written agreement for services? Yes _____ No _____
(If yes, attach copy)
- c. What, if any, was the amount paid to the attorney? N/A
- d. Date Paid: N/A (attach proof of payment)

*** DO NOT WRITE ON BACK OF FORM ***

*** DO NOT SEND ORIGINAL DOCUMENTS, PROVIDE COPIES AS ORIGINALS CANNOT BE RETURNED ***

GRIEVANCE FORM

PAGE TWO

2. If you did not employ the attorney, what is your connection to him/her?

See attachment

3. Please furnish the following information, if available:

a. Name of Court/County: N/A

b. Case Number: N/A

c. Title of Suit: N/A vs. N/A

d. Approximate Date case was filed: N/A

4. If you are or have been represented by any other attorney with regard to this same matter, state the name and address of the other attorney:

Name: N/A

Address: _____

City: _____

State: _____ Zip code: _____

5. If you have made a grievance about this same matter to any other Official or Agency, state its (their) name(s), and the approximate date you reported it:

N/A

6. In the event a disciplinary hearing is held, would you be willing to appear and testify as a witness? Yes No

*** DO NOT WRITE ON BACK OF FORM ***

*** DO NOT SEND ORIGINAL DOCUMENTS, PROVIDE COPIES
AS ORIGINALS CANNOT BE RETURNED ***

7. Names and addresses of witnesses to this grievance:

A. Sheldon Whitehouse
 U.S. Senator
 Name Rm 530
 Hart senate office Bldg
 Address
 Washington
 City
 DC 20510
 State Zip

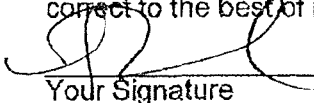
B. Tom Carper, Senator
 Senate Committee on Env't & C.
 Name and Public Works
 Address
 Washington
 City
 DC 20510-6075
 State Zip

C. Sarah K. Magruder Lyle
 Am. Fuel + Petrochemical
 Name Manufacturers
 1407 K Street NW
 Address Suite 700
 Washington
 City
 DC 20006
 State Zip

8. Nature of grievance against the attorney explained in full detail. (Use a separate piece of paper if necessary). If you employed the attorney, state what you employed him/her to do. Include what the attorney did or did not do. Further information may be requested.

See attachment

I hereby certify that I have read the foregoing matters and that they are true and correct to the best of my knowledge.


 Your Signature

Mar. 21, 2017
 Date

This grievance form must be signed before it can be considered.
 It is imperative that you notify this office of an address change.
 If you are not available as a witness, your grievance may be dismissed.

Attachment to Grievance Form of Center for Biological Diversity and Kristen van de Biezenbos
(Mar. 21, 2017)

Complainant 1: Center for Biological Diversity
By and through: Amy R. Atwood, Senior Attorney
P.O. Box 11374
Portland, OR 97211
atwood@biologicaldiversity.org
(971) 717-6401

Complainant 2: Kristen van de Biezenbos, Associate Professor
In her Personal Capacity as a Resident of the State of Oklahoma
c/o: The University of Oklahoma College of Law
300 Timberdell Road
Norman, OK 73019
k.van.de.biezenbos@ou.edu

QUESTION # 2: If you did not employ the attorney, what is your connection to him/her?

Center for Biological Diversity: The Center for Biological Diversity, an environmental conservation organization with members in Oklahoma that works to protect species from the threat of extinction, depends on the U.S. Environmental Protection Agency to enforce environmental laws that are critical to the environmental protection advocacy work that the organization undertakes, and depends upon the head of the Agency to adhere to the highest ethical standards.

Prof. Kristen van de Biezenbos: As an Oklahoma resident, I depend on the legal profession in our state, particularly those who hold public office, to maintain the highest standards of professional conduct.

QUESTION # 8:

On behalf of the Center for Biological Diversity (the "Center") and Prof. Kristen van de Biezenbos, in her personal capacity, the undersigned hereby files this grievance against Edward Scott Pruitt, who is admitted to practice law in Oklahoma. The Center and Prof. van de Biezenbos seek an investigation of Mr. Pruitt, now head of the U.S. Environmental Protection Agency and formerly Attorney General of the State of Oklahoma, who appears to have violated Oklahoma Rule of Professional Conduct 8.4(c) during recent sworn testimony before a United States Senate Committee considering his nomination to be the Administrator of the U.S. Environmental Protection Agency (EPA).

Rule 8.4(c) provides that "[i]t is professional misconduct for a lawyer to ... engage in conduct involving dishonesty, fraud, deceit or misrepresentation." Comment 5, following this Rule in Chapter 1, App. 3-A, indicates the rules of professional conduct apply with greater force to attorneys holding public office, such as Mr. Pruitt, and states "[a] lawyer's abuse of public office can suggest an inability to fulfill the professional role of lawyers."

During a January 18, 2017 hearing of the U.S. Senate Committee on Environment and Public Works, which was considering Mr. Pruitt's appointment to administer the EPA, Mr. Pruitt stated three times that he only used his official Oklahoma Attorney General email address to conduct official business. However, an examination of documents the Oklahoma Attorney General's Office released in response to a state public records act lawsuit, there are several instances where Mr. Pruitt used a personal email address to conduct official business. *See* Exhibit ("Ex.") A (Transcript, Hearing on Nomination of Attorney General Scott Pruitt to be Administrator of the U.S. Environmental Protection Agency (Jan. 18, 2017)) (Excerpts) at 242; *see also* Ex. B (Letter from Democratic members, Committee on Environment and Public Works, U.S. Senate (Mar. 17, 2017)).

In apparent contradiction to Mr. Pruitt's statement, in an e-mail dated August 14, 2013, Ms. Sarah K. Magruder Lyle, Vice President, Strategic Initiatives, American Fuel & Petrochemical Manufacturers communicated with Mr. Pruitt, requesting that he take a particular action in his capacity as Oklahoma Attorney General. Ex. C (Email from Sarah Magruder Lyle to Scott Pruitt, Subject: AFPM's 2014 Renewable Fuel Standards Waiver Filed (Aug. 14, 2013)). This e-mail, addressed to Mr. Pruitt at his personal "me.com" email address, requested Mr. Pruitt to act on a matter within the scope of his authority as Oklahoma Attorney General, and thus both relates to state business and contradicts Mr. Pruitt's sworn statement to Senator Whitehouse. Further evidence that this email concerns state business is provided by the fact that Ms. Lyle copied Clayton Eubanks of the Oklahoma Attorney General's office on the email at Mr. Eubanks' official state email address (Clayton.Eubanks@oag.ok.gov). *Id.* While it is unclear whether Mr. Pruitt took the state action requested of him by Ms. Lyle, that circumstance does not negate Mr. Pruitt's use of his me.com email account for state business purposes.

Another email includes a partially redacted email address for Mr. Pruitt, and shows correspondence from an Oklahoma representative of the American Legislative Exchange Council, or ALEC, regarding a speaking engagement for Mr. Pruitt at an ALEC meeting in his capacity as Oklahoma Attorney General. *See* Ex. D (Emails Re: ALEC Speaking Engagement (April 16, 2013)).

These emails do not include messages sent from Mr. Pruitt's personal email address, but they do show (or suggest) that he received official email at a nonofficial, personal "me.com" address. The clear inference is that AFPM association and ALEC (and possibly others) were aware of Mr. Pruitt's me.com address, likely because Mr. Pruitt used it to send emails, possibly including emails concerning official state business.¹ Further investigation could provide additional factual development in this area.

In addition, as noted in a letter sent March 17, 2017 from the Democratic members of the U.S. Senate Committee on Environment and Public Works, Mr. Pruitt failed to mention public speeches or presentations that he has made related to energy or the environment since 1998. *See*

¹ Additional emails from Mr. Pruitt's tenure may be forthcoming. *See, e.g.,* Ben Wolfgang, *Washington Times*, Oklahoma Supreme Court agrees with state AG, delays release of Pruitt emails (Feb. 28, 2017) (*available at* <http://www.washingtontimes.com/news/2017/feb/28/scott-pruitt-email-release-delayed-oklahoma-suprem/>).

Ex. B at 3. Specifically, Mr. Pruitt failed to state that he made speeches or presentations at the following events: a July 15, 2014 Four Star Leadership event; an August 4, 2014 telephonic briefing entitled “States Push Back: Curbing EPA's Power Grab”; and a May 20, 2014 discussion entitled “Scott Pruitt Presents ‘The Oklahoma Attorney General’s Plan: The Clean Air Act Section III(d) Framework that Preserves States’ Rights” that was sponsored by the Federalist Society and held at the National Press Club. *See id.*

Based on the above, the Office of General Counsel should commence an investigation into whether these events constitute violations of the Oklahoma Rules of Professional Conduct, with emphasis on Rule 8.4(c), in the context of Mr. Pruitt’s position as a public servant which holds him to the highest standards of ethical conduct. Indeed, it appears that Mr. Pruitt misrepresented material facts that bore on the Senate Committee’s analysis of Mr. Pruitt’s fitness to serve as EPA Administrator. The Center and Prof. Van de Biezenbos respectfully request the Oklahoma Bar Association’s Office of General Counsel to investigate this grievance and determine whether Mr. Pruitt violated the Oklahoma Rules of Professional Conduct during his Congressional in connection with his confirmation hearing to serve as Administrator of the U.S. Environmental Protection Agency.

Exhibit A

Transcript, Hearing on Nomination of Attorney General Scott Pruitt to be Administrator of the
U.S. Environmental Protection Agency
January 18, 2017
(Excerpts)

HEARING ON NOMINATION OF ATTORNEY GENERAL SCOTT PRUITT TO BE
ADMINISTRATOR OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY

Wednesday, January 18, 2017

United States Senate
Committee on Environment and Public Works
Washington, D.C.

The committee met, pursuant to notice, at 10:00 a.m. in room 406,
Dirksen Senate Office Building, the Honorable John Barrasso [chairman
of the committee] presiding.

Present: Senators Barrasso, Carper, Inhofe, Capito, Boozman,
Wicker, Fischer, Moran, Rounds, Ernst, Sullivan, Cardin, Sanders,
Whitehouse, Merkley, Gillibrand, Booker, Markey, Duckworth, and
Harris.

Also Present: Senator Lankford.

STATEMENT OF THE HONORABLE JOHN BARRASSO, A UNITED STATES SENATOR FROM
THE STATE OF WYOMING

Senator Barrasso. Good morning. I call this hearing to order.

We have quite a full house today. I welcome the audience. This is a formal Senate hearing, and in order to allow the Committee to conduct its business, we will maintain decorum. That means if there are disorders, demonstrations by a member of the audience, the person causing the disruption will be escorted from the room by the Capitol Police.

Since this is our first hearing of this session, I would like to welcome our new members, Senators Jerry Moran, Joni Ernst, Tammy Duckworth and Kamala Harris. Thank you very much and congratulations in joining the Committee.

I would also like to welcome Senator Tom Carper in his new role as the Ranking Member of the Committee. You are here, even if you have a scratchy throat, 40 years from when you were Treasurer of Delaware, member of Congress, governor, member of the U.S. Senate. Have not missed a day. You are Cal Ripken, Jr. and the iron man. So thanks for being here. Thank you. I look forward to working with you.

He deserves applause.

With regard to procedure, we will follow the early bird rule in terms of the order of member questions. Members who were here at the start, as you all are, will be placed in the line based on your seniority on the Committee. Members who arrive after the hearing has started will be added to the line in the order they arrive.

With respect to today's hearing, we will abide by the Committee's five-minute rule. The five minutes includes not just the questions, but also the nominee's answers, so I ask our members to please leave enough time for the nominee to answer your question. Today we will have many rounds of questions as are necessary so that members' questions are answered.

Today's hearing is to consider the nomination of Attorney General of Oklahoma, Scott Pruitt, to be the Administrator of the Environmental Protection Agency. Attorney General Pruitt has been a distinguished public servant as well, and we will hear the same from his fellow Oklahomans today. He served eight years in the Oklahoma State Senate before being elected Attorney General of Oklahoma in November of 2010, where he still serves.

There are numerous statements from his peers and the people that he has helped over the years that stand as a testament to his strong qualifications to run the Environmental Protection Agency.

Twenty-four State attorneys general wrote to both Ranking Member Carper and to me stating that "As attorneys general, we understand the need to work collaboratively to address threats to our environment that cross State lines, as well as the importance of a Federal counterpart in the EPA Administrator who possesses the knowledge, experience, and principles to work with our States to address issues affecting our environment. We believe that no one exemplifies these qualities more than Scott Pruitt."

Now, Attorney General Pruitt has taken on polluters, including the oil industry, when there was cause. Randy Ellis, an award-winning

investigative reporter with the Oklahoman newspaper, praised Pruitt for his ability to take on industry. The paper highlighted the work of Attorney General Pruitt to hold a large oil company accountable. This is what Ellis stated. He said, "Mr. Pruitt demonstrated that he will take on industry when they overstep when he sued oil companies such as BP who knowingly double-dipped by collecting reimbursements for corrective action environmental costs for sites that they polluted."

This is why I believe President-elect Trump nominated Attorney General Pruitt to serve as the Administrator of the Environmental Protection Agency. The EPA, under the leadership of a qualified and responsible administrator, is a vital tool that must be used to protect the air we breathe, the water we drink, and the communities where our families live. It is truly a sacred trust.

Colleagues on both sides of the aisle say that Attorney General Pruitt has the right experience for the position. Attorney General Pruitt understands the need to both protect the environment, while allowing our Nation's economy to grow. The agency needs a leader who will follow the laws created by this Committee.

During the last eight years, EPA administrators created broad and legally questionable new regulations which have undermined the American people's faith in the Agency. These regulations have done great damage to the livelihoods of our Nation's hardest working citizens. The regulatory zeal of the last eight years has violated a fundamental principle of environmental stewardship, which is do no harm. 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. Those disasters hurt people, many from low-income and minority communities who can least afford it.

As I have discussed with Attorney General Pruitt, my home State of Wyoming is a leading energy producing State. We have abundant supplies of coal, natural gas, crude oil, and uranium. These industries provide thousands of good paying jobs for Wyoming communities. We are also, in my opinion, one of the most beautiful States in the Nation. We are home to Yellowstone and Grand Teton National Parks and numerous national forests and pristine lakes and waterways. Our wildlife population is diverse and abundant. We have thriving populations of grizzly bears, wolves, elk, and bison. People travel from around the world to come to Wyoming because our State's natural resources are spectacular.

Wyoming has managed to strike that balance between our environment and our economy, and it shows. For eight years, Wyoming has suffered under an EPA that didn't believe in striking a balance. As EPA regulations crushed energy jobs in my State, State revenue fell that pays for State programs. This includes paying for our vital environmental programs. Clearly, a wholesale change is needed. Any new Administrator of the Environmental Protection Agency needs to protect the environment in a responsible way that doesn't ignore the good work that States do to protect their air, land, and water, as well as their economies.

At this time I would like to ask Ranking Member Senator Carper for an opening statement.

[The prepared statement of Senator Barrasso follows:]

Senator Whitehouse. I just want to touch on two things, and then we'll wrap up. The first is that on your questionnaire you listed an email address with a me.com domain as your business email. You also have an OAG.ok.gov address. Are there other email addresses that you have and are the other email addresses that you use for business other than your me.com and your OAG.ok.gov email addresses?

Mr. Pruitt. I am sorry, Senator. The "me" address is not a business email address. I am not sure why it was designated as such.

Senator Whitehouse. Well, maybe we can just correct the filing on that.

Mr. Pruitt. There are no other email addresses, if that is your question, Senator.

Senator Whitehouse. We have gone through the cases that you list as your environmental cases. When we take out the cases that were started by your predecessor, Drew Edmonson, and when you take out the cases that are fish kill cases, which I understand is a formulaic matter that is resolved by letter at the staff level, you count the fish, you pay the fee, and when you take out the qui tam cases, which are, for those who aren't lawyers, a private individual who brings an action and then the attorney general can step in and take the action over if they want, but it is brought in the first instance by a private individual. And then if you take out the cases in which you sued EPA, there is virtually nothing left.

And in addition to that, we have that you closed the environmental protection unit in Oklahoma as a free-standing unit. You told me when we met that you had rolled it into your federalism

unit. But I was just on the federalism unit is website, and the word "environmental" doesn't even appear on that. It appears to be run by the Solicitor General. It says over and over again that it is involved in appellate litigation. And of course, if you are bringing an action, you are not starting at the appellate level.

Mr. Pruitt. Senator, if I may, the Deputy Solicitor General, Clayton Eubanks, was actually employed by the previous attorney general. He has been designated the Deputy Solicitor General and is responsible for environmental related advice and consent to those agencies.

Senator Whitehouse. Yes. That's a different function, though. That's a different function than to bring an action. I have been an attorney general, too. I know the difference. The attorney general has an obligation to provide lawyers, to give advice to agencies. But you also have the authority to bring criminal actions, if you wish. And you have the authority to bring civil actions, if you wish. And it is those authorities that I believe have not gotten much attention.

And the last piece of that, because you will have a chance to respond, but I am on a short clock, is that there was in Oklahoma an environmental crimes task force that your predecessor led. It describes, and I would ask to have these documents put into the record, from 1997 to 2010 the OECTF, the Environmental Crimes Task Force or the Environmental Protection Unit, in conjunction with EPA and other entities, conducted 142 criminal investigations, resulting in 56 prosecutions. Criminal cases resulted in individual convictions on 110 felonies, 21 misdemeanor counts, corporate convictions, 10

felony and 3 misdemeanor counts, \$8 million in fines, 28 years of jail time. We can put it in the record.

Do you even participate in the Oklahoma Environmental Crimes Task Force still?

Senator Barrasso. Without objection.

[The referenced information follows:]

Senator Barrasso. I want to thank all the members of the committee for your patience. I certainly want to thank the nominee for his time and his testimony today. The hearing is adjourned.

[Whereupon, at 4:55 p.m., the hearing was adjourned.]

Exhibit B

Letter from Democratic Members, U.S. Senate Committee on Environment and Public Works to
EPA Administrator Scott Pruitt
March 17, 2017

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

OFFICE OF SENATOR JOHN CORNYN

March 17, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20004

Dear Administrator Pruitt:

Recent reporting and long-delayed disclosure of emails and documents from your time as the Oklahoma Attorney General show that you were not fully forthcoming and truthful with the Committee in advance of your confirmation. As members of the Environment and Public Works Committee, we respectfully request that you provide clarification by answering several questions and make specific commitments to promote transparency and accountability at the EPA as preceding Administrators have done before you. Our concerns and requests are described below, and we ask that you respond to us by April 7, 2017.

1. **Correcting the Record Regarding Your Use of Personal Email Address to Conduct Official Business**

In response to questions from Senator Whitehouse about your personal email address and use of it for official business, you stated three separate times that you only used your official Oklahoma Attorney General email address to conduct official business. Yet an examination of the documents the Oklahoma Attorney General's Office released to the *New York Times*, Fox 25 in Oklahoma, and the Center for Media and Democracy (CMD) reveal several instances in which your personal email address was used for official business. Fox 25 also received confirmation from the Oklahoma Attorney General's Office that you used your personal email address for official business and released a video showing documents proving you both received and sent official emails via your personal email address.

Request: Based on this new information, we request that you correct the record, and provide an answer to one of the email-related questions posed to you during your confirmation process: "Have you ever conducted business using your personal email accounts, non-official Oklahoma Attorney General email accounts, text messages, instant messenger, voicemails, or any other medium? If yes, please provide all business-related emails, texts, from those mediums and any others used you used to conduct official business while Attorney General of Oklahoma."

Additionally, upon review of the documents responsive to the previously mentioned Open Records Act requests, the extent of your personal email use and whether your personal email accounts were adequately searched to respond to those requests remains unclear.

Moreover, the use of a personal email address to conduct official business could violate the Presidential and Federal Records Act Amendments of 2014.

Request: Please respond to the following questions:

- Were your personal email accounts searched for emails and documents that were responsive to the recently-released partial production of documents related to CMD's Open Records Act request? If so, how many responsive documents were found and how many were released?
- Dozens of Oklahoma Open Records Act requests, including nine from CMD, are currently pending before the Oklahoma Attorney General's Office, including some for text messages. Do you commit to allowing the Oklahoma Attorney General's Office to search your personal email account(s) and phone(s) for responsive documents?
- Have you retained all official emails and texts you sent and received on your personal email accounts and phones while Attorney General of Oklahoma?
- Since January 20, 2017, have you or any political appointees at EPA used non-official electronic messaging accounts, including email addresses, personal phones, and any encrypted messaging applications (e.g., Confide, Signal, Whisper) to send or receive official messages? If so, have complete copies of those records been forwarded to the corresponding official accounts within the 20 days after the creation or transmission of the record, as required by the Presidential and Federal Records Act Amendments of 2014?
- What steps are you taking to ensure you and all political appointees at EPA comply with the Presidential and Federal Records Act Amendments of 2014?
- In a question for the record following your confirmation hearing, Senator Whitehouse asked you to notify the Committee of all of the email addresses you plan to use in your role as EPA Administrator, including aliases or pseudonyms, which you agreed to do. The Committee has not yet received this information, and we request that you promptly provide it.

2. Affirm and Comply with the EPA Policy Regarding the Use of Personal Email Accounts

As you may know, during the confirmation process of your predecessor, Regina A. McCarthy, then Ranking Member David Vitter requested that the agency "issue new guidance ... that outlines ... standards and procedures to ensure that all official business is conducted solely on official government email accounts ..." In response, then Acting Administrator Robert Perciasepe put into place CIO 2155.3, "Records Management Policy." The policy provides for full compliance by EPA and its personnel with records management and access requirements, and includes detailed implementation procedures and requirements for agency officials, management, staff and contractors.

Request: We ask that you commit to maintain the Records Management Policy and its rigorous implementation. We also ask that you direct staff to follow the spirit and intent of the policy as well as its express requirements, and that you ensure that devices, such as PIN-protected email or document transmission or other encryption applications not be

used by political appointees. In addition, in light of your own failure to respond truthfully to Senator Whitehouse's question, we ask that you affirm in writing your commitment to never use any personal email account to conduct professional business for the entirety of your tenure at EPA.

3. Release of Your Calendar

During your confirmation process, Senator Carper asked you to "list all public speeches or presentations you have made that included references to any issue related to energy or the environment since 1998, and please provide copies (written, audio, or video) of any such speeches or presentations." In your responses to the Committee¹, you provided a list of such events, but an examination of the documents the Oklahoma Attorney General released to the Center for Media and Democracy indicate that the material you provided the Committee was incomplete. For example, the list you provided does not include: a June 27, 2014 breakfast panel sponsored by the Americans for Prosperity; a July 15, 2014 Four Star Leadership event; an August 4, 2014 telephonic briefing entitled "States Push Back: Curbing EPA's Power Grab"; and a May 20, 2014 discussion entitled "Scott Pruitt Presents 'The Oklahoma Attorney General's Plan: The Clean Air Act Section 111(d) Framework that Preserves States' Rights'" that was sponsored by the Federalist Society and held at the National Press Club. The Oklahoma Attorney General has not yet agreed to release all of the documents requested by the Center for Media and Democracy and additional discrepancies between the events you told the Committee you participated in and what you appear to have actually done may yet be revealed.

Moreover, an examination of the documents that were released by the Oklahoma Attorney General demonstrate a disturbing pattern of coordination with the oil and gas sector as you planned your efforts to oppose EPA's regulations. For example, the American Fuel & Petrochemical Manufacturers, which opposed EPA's Renewable Fuel Standard (RFS) Program and ozone regulations, provided you with suggested language for an Oklahoma AG-authored petition, noting in 2013 that "this argument is more credible coming from a State." Later that year, you filed letters in opposition to both the RFS and ozone limits. In 2013, Devon Energy organized a meeting between your office, Leonard Leo of the Federalist Society and coal industry lawyer Paul Seby to plan the creation of a "clearinghouse" that would "assist AGs in addressing federalism issues." Melissa Houston, your then chief of staff, emailed Devon Energy saying "this will be an amazing resource for the AGs and for industry."

Request: The combination of your failure to disclose all of your speaking engagements to the Committee and your record of close coordination with the oil and gas sector raise concerns about whether such coordination will continue in your current role as EPA Administrator. So that we may better perform our oversight roles, we request that at the end of each month, you provide the Committee with a copy of your calendar that lists all meetings, calls, and events in which you participated, and the participants and subject of each such meeting, call, or event. We note that former Administrator McCarthy routinely released copies of her calendar under Freedom of Information Act requests,² and former

¹ https://www.epw.senate.gov/public/_cache/files/daf68bcb-f572-4a90-b0bb-6da7c4790603/scott-pruitt-qfr-supplemental-materials-01.18.2017.pdf

² <http://www.cenews.net/stories/1060022093>

Administrator Jackson made her own, and other EPA appointees' calendars, publicly available each day.³

4. Address Concerns about Secrecy Associated with Transition and Other Political Appointees

A February 24, 2017 article in E&E News titled "Trump team kept some transition members secret" described a "broader 'action team' responsible for producing an 'action plan' for the agency whose members were never publicly disclosed." One of these members was reportedly Steve Milloy, who lists himself as the author of "Scare Pollution: Why and How to Fix the EPA," as well as a member of the Trump EPA transition team on his twitter biography.⁴ According to the article, one of his lawsuits against the EPA "likened tests exposing people to diesel engine particulate emissions to medical experiments performed in Nazi concentration camps." His name does not appear on the official transition team list⁵ for the agency. Other reports of personnel working on the EPA transition team raise conflicts of interest questions. For example, David Schnare, who is listed on the official transition team, is still identified as the General Counsel on the website of the E&E Legal Institute, which has sued the agency on both the Clean Power Plan and Waters of the United States rule (which is currently being weakened at the recent direction of the President).

According to the Office of Government Ethics (OGE) regulations,⁶ there are several categories of employee who are subject to public financial disclosure requirements, including "Employees in positions which are excepted from the competitive service because of their confidential or policy-making character, unless the position has been excluded from the public financial disclosure requirements by the Director of the Office of Government Ethics."

Moreover, even if an employee is excluded from having to file public financial disclosures, OGE rules state that new entrant reports are required to be submitted by "An individual who has assumed the duties of a position for which public financial disclosure is required ("covered position"), unless the individual is expected to serve no more than 60 days in any single calendar year or unless the individual is transferring from one covered position to another without a break in service of more than 30 days." The Designated Agency Ethics Official (DAEO) would be expected to work to address any conflicts of interest that were revealed in those reports.

Request: We request that you provide the Committee with the following materials, along with monthly updates to these materials, until all political appointments to non-confirmed positions at EPA have been made:

³ https://www.epa.gov/sites/production/files/2014-02/documents/transparency_in_epas_operations.pdf

⁴ <https://twitter.com/JunkScience>

⁵ <https://greatagain.gov/agency-landing-teams-54916f71f462#.cjq5vn69r>

⁶ https://www.oge.gov/Web/278eGuide.nsf/2c19ac792bc0654a85257ea1005f838a_b03cd8f63320588b85257f450071047?OpenDocument and <https://www.oge.gov/Web/278eGuide.nsf/Content/Definitions--Officers+and+Employees+Subject+to+Public+Financial+Disclosure>

- A list of all individuals who have at any time served on the Trump EPA transition and/or beach-head teams, including members of the “broader action team” referenced in the E&E News article, along with their affiliation(s) prior to their appointments.
- For each individual who has served or expects to serve as a member of the EPA transition and/or beach-head teams for longer than 60 days, including individuals who are serving as consultants, contractors or experts, a copy of the new entrant report that was filed with the DAEO, any conflicts analysis that was prepared for the individual, and documentation detailing any recusals or other measures designed to mitigate such conflicts. If no such report, analysis or documentation was prepared, please explain why not.
- A list of all individuals who are serving in, or plan to serve in, non-confirmed political appointments at the EPA, along with their affiliation(s) prior to their appointments.
- For each individual who is currently serving in a non-confirmed political appointment, please provide a copy of the new entrant report that was filed with the DAEO, any conflicts analysis that was prepared for the individual, and documentation detailing any recusals or other measures designed to mitigate such conflicts. If no such report, analysis or documentation was prepared, please explain why not.

5. **Commit to Transparent and Timely Review of Freedom of Information Act (FOIA) Requests**

While you were Attorney General of Oklahoma, your office accumulated a significant backlog of Open Records Act requests from the media and public, and in some cases it took your office over two years to produce responsive documents.

Request: To ensure the EPA is responding to FOIA requests in a transparent and timely manner, we ask that you provide the Committee with a list of open FOIA requests submitted to EPA (and the date on which each was submitted) at the end of each month.

We very much appreciate your prompt attention to this matter. Thank you for your consideration of our requests. If you have any questions about these requests, please feel free to contact Michal Freedhoff at the Committee on Environment and Public Works at 202 224 8832.


Sincerely,




Tom Carper
U.S. Senator



Bernard Sanders
U.S. Senator


Sheldon Whitehouse
U.S. Senator


Edward J. Markey
U.S. Senator

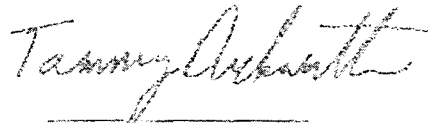

Tammy Duckworth
U.S. Senator

Exhibit C

Email from Sarah Magruder Lyle to Scott Pruitt
Subject: AFPM's 2014 Renewable Fuel Standards Waiver Filed
(Aug. 14, 2013)

From: [Sarah Magruder Lyle](#)
To: [Scott Pruitt \(Scott.pruitt@me.com\)](#)
Cc: [Clayton.Eubanks@oag.ok.gov](#)
Subject: AFPM's 2014 Renewable Fuels Standard Waiver Filed
Date: 08/14/2013 03:48 PM
Attachments: [AFPM RFS Waiver Petition 8.13.2013.pdf](#)

Dear General Pruitt –

I hope you are doing well!

Attached you will find AFPM's 2014 Renewable Fuels Standard (RFS) waiver petition which was filed with the Environmental Protection Agency (EPA) on August 13. While this petition does not address environmental harm, it provides compelling support on the economic harm cause by the ethanol blendwall under the RFS mandate. The filing of this petition starts the statutory 90-day time period within which EPA must respond.

AFPM remains very interested in the prospect of your state filing a similar waiver request highlighting the environmental harm caused by the RFS mandate which we discussed previously. I would be happy to answer any questions you may have. Please feel free to contact me at slyle@afpm.org or at 202.552.4367.

Best,

Sarah K. Magruder Lyle
Vice President, Strategic Initiatives

**American
Fuel & Petrochemical
Manufacturers**
1887 K Street NW
Suite 700
Washington, DC 20006
202.457.0480 office
202.552.4367 direct

slyle@afpm.org

Learn more about AFPM at afpm.org

CONFIDENTIALITY NOTICE: This electronic message contains information from the American Fuel & Petrochemical Manufacturers that may be confidential or privileged. The information is intended solely for the use of the individual(s) or entity(ies) named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this e-mail in error, please notify us immediately by telephone at (202) 457-0480 or by reply e-mail and permanently delete this e-mail, any attachments, and all copies thereof.

Exhibit D

Emails Re: ALEC Speaking Engagement (April 16, 2013)

From: Amy KJose Anderson <aanderson@alec.org>
To: "Ashley.Olmstead@oag.ok.gov" <Ashlev.Olmstead@oag.ok.gov>, Melissa Houston <melissahouston@gmail.com>, "Scott PRuitt (scott.pruitt@██████████)" <scott.pruitt@██████████>
Cc: "A bro, Derek" <Derek.Albro@dvn.com>
Date: 04/16/2013 02:20 PM
Subject: RE: ALEC Speaking Engagement

Forgot to include the title of the workshop: Embracing American Energy Opportunities: From Wellheads to Pipelines

Amy KJose Anderson
Civil Justice Task Force Director and Oklahoma Membership Contact
American Legislative Exchange Council
(p) (202) 742-8510
(m) (202) 870-1110
alec.org/CivilJustice

From: Amy KJose Anderson
Sent: Tuesday, April 16, 2013 11:38 AM
To: 'Ashley.Olmstead@oag.ok.gov'; 'Melissa Houston'; Scott PRuitt (scott.pruitt@██████████)
Cc: 'Albro, Derek'
Subject: ALEC Speaking Engagement

Wanted to provide you with details on General Pruitt's speaking engagement at the May 3rd ALEC meeting. The energy workshop will be in Ballroom DE at the Cox Convention Center and runs from 11am to 12:15 on the 3rd. General Pruitt will be joined by Jack Stark, Continental and Corey Goulet, TransCanada. Corey will be discussing infrastructure, Jack will be talking about fracking technology and safety, and we are looking forward to hearing General Pruitt's remarks on state primacy in oil and gas regulation and the EPA's sue & settle modus operandi. We expect that Corporation Commissioner Douglas will moderate the panel, though this is still underworks. Each panelist will have 15 to 20 minutes, which should leave 15 minutes for Q&A. If he has any questions, don't hesitate to call or email me. I will also be available on the day of at (202) 870-1110.

General Pruitt will be registered to attend any of the ALEC conference he would like. He's welcome to attend the Board Dinner on the evening of the 2nd at the Governor's Mansion (just let me know ahead of time) and we'd love to have him stick around for any of the rest of the conference... there is a reception on the evening of the 3rd at the Petroleum Club from 6 to 8pm. And let me know whether you've considered if he would like to participate as the Civil Justice Task Force Luncheon speaker... would be delightful to have our current legislative members benefit from his experience as a former state legislator, an ALEC member and a now attorney general. Koch Industries is sponsoring that luncheon.

Melissa, would you also like to be registered for the event? I can extend you a complimentary registration.

From: meetings@alec.org
Reply To: meetings@alec.org
To: melissa.houston@oag.ok.gov
Cc: rhonda.geller@oag.ok.gov
Subject: Purchase Confirmation No. 075420 (Ms. Melissa Houston)
Date: 04/22/2013 07:00 PM

Dear Ms. Melissa Houston,

Thank you for your purchase!
For your records, here is a summary of your purchase from **The American Legislative Exchange Council**.

Date/Time: 4/22/2013 7:55 PM

Purchased By:
Ms. Melissa Houston
Customer ID: 2436020
(405) 522-4422
melissa.houston@oag.ok.gov

Your confirmation number is: 075420 Please keep this number for any references.

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Spring Task Force Summit 2013 Registration Discounts <small>Discount</small>	(\$500.00)	1	(\$500.00)
		Subtotal	\$0.00
		Taxes	\$0.00
		Shipping	\$0.00
		Invoice Total	\$0.00
		Grand Total	\$0.00
		Payment	\$0.00
		Order Balance	\$0.00

From: [Amy Kiose Anderson](mailto:Amy.Kjose.Anderson)
To: Katie.Dark@oag.ok.gov
Subject: RE: Attorney General Information
Date: 05/02/2013 09:58 AM

The sponsors for the Friday evening reception are:

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UPS
Devon Energy
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TransCanada
Continental Resources
Phillips66
Cash America
OK Bankers Association
Jim Dunlap Consultants
Daiichi Sankyo, Inc.
OGE
Oklahoma State Chamber of Commerce

And the sponsor for the Board Dinner is Express Employment Professionals.

I'll be back to you shortly on the person who will meet AG Pruitt in the lobby.

Thanks!

Amy Kiose Anderson
Civil Justice Task Force Director and Oklahoma Membership Contact
American Legislative Exchange Council
1101 Vermont Ave NW, 11th Floor
Washington, D.C. 20005
(p) (202) 742-8510
(f) (202) 466-3801
alec.org/CivilJustice

From: Katie.Dark@oag.ok.gov [Katie.Dark@oag.ok.gov]
Sent: Wednesday, May 01, 2013 11:39 AM
To: Amy Kiose Anderson
Subject: Attorney General Information

Amy,

Thanks for giving me all the information.

If you could send me the information regarding who will be meeting the Attorney General in the lobby before the speaking event and their information.

Also, the rest of the information on the reception and if there will be any special guests at the reception.

Thank you so much!

Katie Dark



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