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**From:** William Yeatman [William.Yeatman@cei.org]  
**Sent:** 4/13/2017 9:12:30 PM  
**To:** Schwab, Justin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eed0f609c0944cc2bbdb05df3a10aadb-Schwab, Jus]  
**Subject:** RE: Hi Justin, I hope you're well. We've corresponded before, when you were at BH. We actually co-signed comments once (tho they were written by you). I wanted to bring to your attention a letter we just sent, regarding the EPA-VW settlement.

Hi Justin, I apologize for being a pest, but I was hoping you might have time to discuss the settlement sometime. I've heard all sorts of rumors today about the EPA's reported approval of VW's ZEV plan, and I was hoping to attain clarity. As always, I understand if you're too busy. Best, w

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**From:** Schwab, Justin [mailto:schwab.justin@epa.gov]  
**Sent:** Friday, February 3, 2017 10:42 AM  
**To:** William Yeatman <William.Yeatman@cei.org>  
**Subject:** Re: Hi Justin, I hope you're well. We've corresponded before, when you were at BH. We actually co-signed comments once (tho they were written by you). I wanted to bring to your attention a letter we just sent, regarding the EPA-VW settlement.

Will,

Thank you for this message. You're right that we're busy now, but this is an important issue.

I look forward to meeting you in person in the future.

Best,

Justin

Sent from my iPhone

On Feb 3, 2017, at 10:39 AM, William Yeatman <[William.Yeatman@cei.org](mailto:William.Yeatman@cei.org)> wrote:

Here's the quick & dirty version: The Obama administration last October reached a partial settlement with VW over Clean Air Act violations attendant to defeat device scandal. The settlement includes a stipulation requiring EPA to work with VW to invest \$1.2 billion electric vehicle infrastructure. The settlement raises two constitutional problems:

1. Obama twice came to congress seeking money for EV infrastructure; twice he was rebuffed. The settlement's EV investment is an end run around the Congress's power of the purse.
2. The settlement commits significant resources of the Trump administration's EPA to implement what amounts to a failed legislative proposal from Obama. This infringes on Trump's Article II authority and responsibility to execute the laws.

In the letter, we ask that the EPA assess how much of its resources are being spent on the EV infrastructure program. Again, the congress neither delegated authority or appropriated money to the EPA to implement EV industrial policy. So if the Trump administration doesn't want to have its limited resources committed by the previous president, then the EV program would operate in a weird constitutional space—unmoored from Articles I and II. The settlement can be modified with the parties consent and court approval. I explain all of this in more detail in this post <https://cei.org/blog/trump-not-bound-obama-volkswagen-settlement-epa>

I just wanted to put this on your radar. I understand completely that there are a ton of priorities now, and that there's not enough time for them all. If you're interested, let me know if you'd like to discuss this (or anything else, for that matter). Best, Will