Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/21/2017 5:56:39 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]
Subject: Re: question about the Wheeler qfr

Based upon my discussions with the career ethics officials, the look back period for lobbying activities is two years. I did not work on litigation for either regulation. I've not lobbied in the last two years on MATS and my only lobbying activity for CPP was in support of the CRA vote in the Senate. It's my understanding from the career officials that I could not work on the CPP regulation, but I could work on its successor.

Sent from my iPad

On Nov 21, 2017, at 12:15 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

> Andy—please take a look at the question below from EPW.
>
> **From:** Freedhoff, Michal (EPW) [mailto:Michal_Freedhoff@epw.senate.gov]
> **Sent:** Tuesday, November 21, 2017 11:55 AM
> **To:** Lyons, Troy <lyons.troy@epa.gov>
> **Cc:** Gillam, Laura Haynes (EPW) <Laura_Gillam@epw.senate.gov>; Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>
> **Subject:** question about the Wheeler qfr
>
> Hi Troy and hope all is well
>
> We are reviewing the Wheeler qfr responses and have a follow-up question or two.
>
> In a response to Senator Carper, he said that "**To the best of my recollection I only worked in opposition to two Clean Air Act regulations during the Obama Administration, MATS and CPP. I did not fully review any of the other regulations and therefore cannot provide an opinion on them."**
>
> In a subsequent response to Senator Whitehouse, he said, in response to a question about whether he would recuse himself from participating in issues on which he worked against EPA in the past, **"I will follow the advice and guidance of the career EPA ethics officials and if a waiver is necessary I will make the waiver publicly available. However, based on preliminary discussions with the career ethics officials, I do not anticipate that a waiver will be necessary however, if one is needed I will make it public."**
>
> We are trying to understand these two statements taken together and are hoping you can help –
>
> 1) <!--[if !supportLists]--><!--[endif]-->When, and for which client(s), did he work against MATS and CPP?
> 2) <!--[if !supportLists]--><!--[endif]-->What did he do on these issues? Lobby? Assist with the preparation of litigation against EPA? File or write comments? Something else?
> 3) <!--[if !supportLists]--><!--[endif]-->Does he not expect to need a waiver because he does not expect to work on these issues? If there is some other reason, what is it?

Thanks (and have a great Thanksgiving)
Michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight
Committee on Environment and Public Works Democratic Staff