

July 19, 2017

**SUBMITTED ELECTRONICALLY
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National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460
(202) 566-1667

Re: Freedom of Information Act Request for Correspondence Between Specified Political Appointees and External Attorneys and Law Firms

Dear National Freedom of Information Officer:

Environmental Defense Fund (“EDF”) respectfully requests records, as that term is defined at 5 U.S.C. § 552(f)(2) of the Freedom of Information Act (“FOIA”), of the U.S. Environmental Protection Agency (“EPA” or the “Agency”). Specifically, EDF requests copies of all correspondence between:

(i) any of the following EPA employees:

- the Administrator,
- any political appointee in the Office of the Administrator,
- any political appointee in the Office of General Counsel,
- Mandy Gunasekara,
- Nancy Beck,
- Sarah Greenwalt,
- Lee Forsgren,
- Patrick Traylor,
- any member of the beachhead team, and

(ii) any attorney or staff member at any of the following law firms (“External Firms”):

- Baker & Hostetler LLP,
- Bracewell LLP,
- Crowell & Moring LLP,
- Hunton & Williams LLP,
- Mayer Brown LLP,
- Sidley Austin LLP,

- Troutman Sanders LLP.

To facilitate EPA's search, we are providing the email domain names of the External Firms:

- "bakerlaw.com",
- "bracewelllaw.com", "bracewell.com",
- "crowell.com",
- "hunton.com",
- "mayerbrown.com",
- "sidley.com",
- "troutmansanders.com".

However, we emphasize that the requested correspondence with attorneys and staff at External Firms includes emails utilizing other domain names, such as those sent from a personal email account. Specifically, and without limiting other aspects of this request, we request that EPA search for records of correspondence between the EPA employees identified above and the following individuals, regardless of the email account utilized:

- David B. Rivkin, Jr. (Partner at Baker & Hostetler LLP),
- Jeffrey R. Holmstead (Partner at Bracewell LLP),
- Thomas A. Lorenzen (Partner at Crowell & Moring LLP),
- F. William Brownell (Partner at Hunton & Williams LLP),
- Kristy A. N. Bulleit (Partner at Hunton & Williams LLP),
- Roderick B. Hastie (Senior Director of Government Relations at Hunton & Williams LLP),
- William L. Wehrum (Partner at Hunton & Williams LLP),
- Allison D. Wood (Partner at Hunton & Williams LLP),
- Timothy S. Bishop (Partner at Mayer Brown LLP),
- Peter D. Keisler (Partner at Sidley Austin LLP),
- Peter S. Glaser (Partner at Troutman Sanders LLP).

Correspondence includes hard-copy and electronic correspondence including, but not limited to, emails, voice mails, text messages and correspondence transmitted through any other electronic platform.

EDF respectfully seeks records produced, modified, or transmitted since November 8, 2016 that exist as of the date that EPA begins searching for records responsive to this request.

If any of the information sought in this request is deemed by EPA to be properly withheld under a FOIA exemption, 5 U.S.C. § 552(b), please provide EDF with an explanation, for each such record or portion thereof, sufficient to identify the record and the particular exemption(s) claimed.

Request for Expedited Processing

EDF respectfully seeks expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E)(i) and 40 C.F.R. § 2.104(e)(1)(ii), which applies when there is "[a]n urgency to inform the public about an

actual or alleged Federal government activity, if the information is requested by a person primarily engaged in disseminating information to the public.” With respect to four other FOIA requests, EPA recently recognized EDF’s eligibility for expedited processing on this basis.¹ In support of this request for expedited processing, I certify that the following information is true and correct to the best of my knowledge and belief:

- (1) EDF engages in extensive, daily efforts to inform the public about matters involving environmental policy. For example, EDF has multiple channels for distributing information to the public, including through direct communication with its more than 2 million members, press releases, blog posts, active engagement on social media, and frequent appearances by staff in major media outlets.²
- (2) Reporting suggests that EPA may rely upon or otherwise utilize—on a formal or informal basis—private law firms as the Agency seeks to rescind or weaken public health and environmental protections.³
- (3) EPA is currently reviewing or proposing to rescind major public health and environmental protections that affect the health and well-being of—and garnered public comments from—millions of Americans.⁴
- (4) The public needs to know what input EPA has received from the External Firms. In litigation and other forums, the External Firms have aggressively opposed many of the public health and environmental protections that EPA is now reviewing or proposing to rescind. Expedited processing is critical so that the public can evaluate the responsive records while there is still time to ensure that all stakeholders have an equitable opportunity to participate in Agency decisionmaking.

Request for Fee Waiver

As a non-partisan, non-profit organization that provides information that is in the public interest, EDF respectfully requests a waiver of fees associated with this request. We are not seeking

¹ See Letter from Larry F. Gottesman (EPA) to Benjamin Levitan (EDF) re: Request Tracking Number EPA-HQ-2017-003545 (Feb. 23, 2017); Letter from Larry F. Gottesman (EPA) to Benjamin Levitan (EDF) re: Request Tracking Number EPA-HQ-2017-005587 (Apr. 12, 2017); Letter from Larry F. Gottesman (EPA) to Benjamin Levitan (EDF) re: Request Tracking Number EPA-HQ-2017-008622 (July 7, 2017); Letter from Larry F. Gottesman (EPA) to Benjamin Levitan (EDF) re: Request Tracking Number EPA-HQ-2017-009283 (July 13, 2017).

² See, e.g., Martha Roberts, *What Scott Pruitt Doesn’t Want You to Know, and Why It Matters*, EDF Voices Blog (June 22, 2017), <https://www.edf.org/blog/2017/06/22/what-scott-pruitt-doesnt-want-you-know-and-why-it-matters>; Charlie Jiang, *Shining Light on Scott Pruitt’s Attacks on Our Children’s Health*, EDF Climate 411 Blog (Apr. 26, 2017), <http://blogs.edf.org/climate411/2017/04/26/shining-light-on-scott-pruitts-attacks-on-our-childrens-health/>.

³ See Annie Snider, *Pruitt Allies Explore Hiring Private Lawyers to Rewrite EPA Rule*, Politico (Apr. 18, 2017), <http://www.politico.com/story/2017/04/pruitt-water-rules-private-lawyers-237339>.

⁴ See, e.g., EPA, Review of the Clean Power Plan, 82 Fed. Reg. 16,329 (Apr. 4, 2017); EPA, Definition of “Waters of the United States” – Recodification of Pre-Existing Rules (Pre-Publication of Proposed Rule) (June 27, 2017), https://www.epa.gov/sites/production/files/2017-06/documents/wotus_prepublication_version.pdf; Regulations.gov, Standards of Performance for Greenhouse Gas Emissions from Existing Sources: Electric Utility Generating Units, <https://www.regulations.gov/docket?D=EPA-HQ-OAR-2013-0602> (last visited July 17, 2017) (noting 4,381,009 public comments received regarding the Clean Power Plan); Regulations.gov, Definition of “Waters of the United States” Under the Clean Water Act, <https://www.regulations.gov/docket?D=EPA-HQ-OW-2011-0880> (last visited July 17, 2017) (noting 1,123,386 public comments received regarding the Clean Water Rule).

information for any commercial purpose and the records received will contribute to a greater public understanding of issues of considerable public interest: EPA's review or potential rescission of public health and environmental protections that affect—and garnered comments from—millions of Americans, and factors that may have influenced EPA's approach. 5 U.S.C. § 552(a)(4)(A)(iii). EDF is well positioned to disseminate the records to the public, as we routinely issue press releases, action alerts, reports, analyses, and other public outreach materials. We fully intend to disseminate newsworthy information received in response to this request. Accordingly, we respectfully request that the documents be furnished without charge. 5 U.S.C. § 552(a)(4)(A)(iii).

For ease of administration and to conserve resources, we will accept documents produced in a readily accessible electronic format. In the event EDF's request for a fee waiver is denied or if you have any questions about this request, please contact me immediately by telephone at (202) 572-3318 or by email at blevitan@edf.org.

Respectfully submitted,

Benjamin Levitan
Environmental Defense Fund
1875 Connecticut Avenue, NW
Suite 600
Washington, DC 20009