



August 6, 2018

SUBMITTED VIA EMAIL TO OST.FOIA@DOT.GOV

Ms. Kathy Ray
1200 New Jersey Ave., SE
W94-122
Washington, DC 20590

Re: FOIA Request for Records Relating to Correspondence of Department of Transportation Officials Jeffrey Rosen and Heidi King

Dear Ms. Ray:

Environmental Defense Fund (“EDF”) respectfully requests copies of certain records of the U.S. Department of Transportation (“DOT”) pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and applicable Department of Transportation regulations, 49 C.F.R. §§ 7.1-7.46, related to the Environmental Protection Agency (“EPA”) and National Highway Traffic Safety Administration (“NHTSA”) joint greenhouse gas emission and corporate average fuel economy (“CAFE”) standards for light-duty vehicles (“Clean Car Standards”).

Specifically, EDF requests copies of all correspondence of Deputy Secretary Jeffrey A. Rosen or Deputy Administrator Heidi King relating to the Clean Car Standards, with any external party.

This request encompasses:

- all correspondence of Deputy Secretary Rosen or Deputy Administrator King,
- relating to the Clean Car Standards,
- where any recipient or sender is anyone other than a DOT employee.

External parties may include, but are not limited to, employees and representatives of businesses, trade groups and associations, other agencies or organizations, and state governments. This request expressly includes any attachments to responsive correspondence.

In accordance with 5 U.S.C. § 552(f)(2) (describing “record[s]”), EDF intends for “correspondence” to be broadly construed and include, without limitation, electronic and hard-copy communications, text messages, voice mails, records of phone calls, records of meetings, meeting invitations, calendars, written notes, and correspondence transmitted through any electronic platform.

For the purposes of this request, EDF respectfully seeks records produced, modified, or transmitted since February 1, 2017 that exist as of the date that DOT begins searching for records responsive to this request.

If any of the information sought in this request is deemed by DOT 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 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, pursuant to 49 C.F.R. § 7.43(c). We are not seeking information for any commercial purpose and the records received will contribute to a greater public understanding of an issue of considerable public interest: the Department of Transportation's decision to significantly weaken federal Clean Car Standards, one of our nation's most important efforts to improve fuel economy and reduce climate pollution. 5 U.S.C. § 552(a)(4)(A)(iii). The correspondence sought here is highly relevant to this issue, because media reports indicate that Deputy Secretary Rosen and Deputy Administrator King "have been leading the talks for months" in negotiations over the proposal and that "both are leaving their mark on the administration's proposal."¹

EDF is well positioned to disseminate the records to the public, as we routinely issue press releases, action alerts, blog posts, reports, analyses, and other public outreach materials.² We fully intend to disseminate newsworthy information received in response to this request. In addition to our own capacity to convey information to the public, the information that EDF has obtained through FOIA has been disseminated through news articles to a wide audience, enhancing public knowledge.³ Accordingly, we respectfully request that the documents be furnished without charge. 5 U.S.C. § 552(a)(4)(A)(iii).

¹ Maxine Joselow, *2 officials drive the push against Obama's car rules*, E&E News (July 31, 2018), <https://www.eenews.net/greenwire/stories/1060091731/>.

² See, e.g., EDF Blog Post, *Clean Cars Are Safer and Cheaper to Drive* (Aug. 1, 2018), <http://blogs.edf.org/climate411/2018/08/01/clean-cars-are-safer-and-cheaper-to-drive/>; EDF, *Promoting government transparency* (last updated Apr. 18, 2018), <https://www.edf.org/climate/promoting-government-transparency>.

³ See, e.g., Ryan Beene, *White House Told EPA to Ready California Autos Challenge in 2017*, Bloomberg (June 1, 2018), <https://www.bloomberg.com/news/articles/2018-06-01/white-house-told-epa-to-ready-california-autos-challenge-in-2017> (reporting information disclosed through an EDF FOIA request); Ellen Knickmeyer, *Emails Show Cooperation Among EPA, Climate-Change Deniers*, Assoc. Press (May 26, 2018), <https://apnews.com/64cd37b0503440c0b92e6ca075f87dd4> (same); Michael Biesecker, *Emails: Pruitt Monitored Changes to EPA Webpages on Climate*, Assoc. Press (Feb. 2, 2018), <https://www.apnews.com/85e69300761040a2995f5b457f2ac9f4> (same); Coral Davenport & Eric Lipton, *Scott Pruitt Is Carrying Out His E.P.A. Agenda in Secret, Critics Say*, N.Y. Times (Aug. 11, 2017), <https://www.nytimes.com/2017/08/11/us/politics/scott-pruitt-epa.html> (same).

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) 572-3525 or by email at emurphy@edf.org.

Respectfully submitted,

Erin Murphy
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