01268-EPA-219

Arvin Ganesan/DC/USEPA/US

07/13/2009 02:32 PM

To Richard Windsor, Diane Thompson, David McIntosh
cc
bcc
Subject Fw: EPA modeling of HR2454; Nominee - Deputy Administrator for EPA

(b) (5) Deliberative [redacted]

ARVIN R. GANESAN
Deputy Associate Administrator
Congressional Affairs
Office of the Administrator
United States Environmental Protection Agency
Ganesan.Arvin@epa.gov
(p) 202.564.5200
(f) 202.501.1519

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 07/13/2009 02:29 PM -----

From: "Johnston, Todd (Voinovich)" <Todd_Johnston@voinovich.senate.gov>
To: Arvin Ganesan/DC/USEPA/US@EPA
Date: 07/13/2009 01:46 PM
Subject: EPA modeling of HR2454; Nominee - Deputy Administrator for EPA

Arvin:

We will be releasing the attached letter this afternoon.

Todd
224-9325

Voinovich ltr to Admin. Jackson 7.13.09.pdf

GEORGE V. VOINOVICH
OHIO

524 HART SENATE OFFICE BUILDING
(202) 224-3353
TDD: (202) 224-6997
http://voinovich.senate.gov

United States Senate
WASHINGTON, DC 20510-3504

APPROPRIATIONS
RANKING MEMBER, SUBCOMMITTEE ON
HOMELAND SECURITY

ENVIRONMENT AND
PUBLIC WORKS
RANKING MEMBER, SUBCOMMITTEE ON
TRANSPORTATION AND INFRASTRUCTURE

HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
RANKING MEMBER, SUBCOMMITTEE ON
OVERSIGHT OF GOVERNMENT MANAGEMENT,
THE FEDERAL WORKFORCE, AND
THE DISTRICT OF COLUMBIA

July 13, 2009

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
Ariel Rios Federal Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Jackson:

I have a procedural hold on the nomination of Robert Perciasepe as the Deputy Administrator for the Environmental Protection Agency (EPA). This hold does not to serve as a reflection on Mr. Perciasepe's ability to perform in the role of the Deputy Administrator. Rather, it is based on my continued dissatisfaction with EPA's analysis of the Waxman-Markey American Clean Energy and Security (ACES) Act of 2009, and the agency's subsequent response to these concerns.

In a letter dated June 9, 2009, I and several of my Republican colleagues on the Senate Environment and Public Works Committee stated that Congress must have a dependable and thorough economic analysis of the effects that ACES will have on American consumers and the economy. We asked that EPA promptly address our concerns with assumptions made in the ACES analysis. While I appreciated EPA Assistant Administrator Gina McCarthy's response sent on July 1, 2009, I believe that it failed to address our key concerns. To help Congress fully understand how this bill would affect consumers and the economy, I ask again that EPA provide reliable and realistic analysis by addressing the remaining flaws in its modeling.

First, EPA cannot claim to have conducted a comprehensive analysis of the entire legislative package if the agency's modeling does not explore the cumulative impacts of the bill's cap and trade program, renewable energy mandate, and demand reduction requirements. By excluding major portions of the legislation from analysis, EPA's assessment is of limited value in determining how families and workers could be affected by the legislation. Indeed, the bill creates a system of overlapping and redundant requirements and technology mandates that may reduce or eliminate flexibility in compliance and thus inhibit cost-effective emissions reductions. As the Senate moves to consider this legislation, it is imperative that policymakers understand how the entire legislative package will work and that they have a thorough understanding of the potential economic and energy effects that may stem from its implementation.

STATE OFFICES:
36 EAST SEVENTH STREET
ROOM 2615
CINCINNATI, OHIO 45202
(513) 684-3265

1240 EAST NINTH STREET
ROOM 2955
CLEVELAND, OHIO 44199
(216) 522-7095

37 WEST BROAD STREET
ROOM 300
COLUMBUS, OHIO 43215
(614) 469-6697
(614) 469-6774 (CASEWORK)
(800) 205-6446 (CASEWORK)

78 WEST WASHINGTON STREET
P.O. BOX 57
NELSONVILLE, OHIO 45764
(740) 441-6410

420 MADISON AVENUE
ROOM 1210
TOLEDO, OHIO 43604
(419) 259-3895

Second, EPA's analysis contains significant flaws that mask the economic consequences of the bill. Those flaws center around the agency's assumptions regarding the availability of certain low-carbon technologies and the widespread availability of international offsets. Specifically, the assumptions in the model fail to recognize existing practical, technological, economic and political constraints related to the rapid deployment and/or commercialization of new and expanded nuclear energy and carbon capture and sequestration technologies. I am also concerned that the analysis assumes that a total of 2 billion offsets will be readily available on an annual basis to help meet emissions targets. According to your own analysis, without these offsets the cost of the program would nearly double. This means verifying their availability is essential to implementing the program at a reasonable cost. The analysis should have a greater appreciation of the economic consequences that may result from a slower adoption of low-carbon technologies and greater scarcity of offsets than EPA assumes.

I will be working over the next few days to provide your agency a more detailed summary of my concerns and request for a refined analysis. I want to make it clear that my request for this information is not to slow any legislative or administrative processes, but to ensure both the public and policy makers alike have an accurate understanding of the potential consequences of such important energy and environmental policies under consideration by Congress.

Sincerely,

George V. Voinovich

George V. Voinovich
United States Senator

cc: Carol M. Browner, Assistant to the President for Energy and Climate Change

01268-EPA-225

Scott Fulton/DC/USEPA/US
07/19/2009 10:49 AM

To windsor.richard
cc
bcc
Subject Budget stuff

Hi Lisa – I hope the moving preparations are going well. I've been working with OCFO to rework the budget after our Thursday discussion. Here's where I think we are at this point.

(b) (5) Deliberative [redacted]

[redacted]

Question: (b) (5) Deliberative [redacted]?

(b) (5) Deliberative [redacted]?

(b) (5) Deliberative [redacted]

(b) (5) Deliberative [redacted]

[redacted]

- [redacted]
- [redacted]
- [redacted]
- [redacted]

[redacted] ?
(b) (5) Deliberative
? (b) (5) Deliberative

[redacted]

(b) (5) Deliberative [redacted]

[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	

[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]		[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]

[redacted]

(b) (5) Deliberative

[redacted] Note that we really need to complete work on whatever we're going to send out to the Agency's leadership by the end of the day tomorrow, so, if you have further thoughts or reactions to what I've laid out here, that's our timing. J

Cheers,

Scott

p.s. (b) (5) Deliberative More to come.

(b) (5) Deliberative revised disinvestment list.xls (b) (5) Deliberative udget note to lisa.doc

01268-EPA-226

Scott Fulton/DC/USEPA/US
07/19/2009 11:28 AM

To "Bob Sussman", "Diane Thompson"
cc "Richard Windsor"
bcc
Subject Fw: Budget stuff

Realized after seeing Bob's note that I had been remiss in not including Bob and Diane in my earlier note below.

From: Scott Fulton
Sent: 07/19/2009 10:49 AM EDT
To: windsor.richard@epa.gov
Subject: Budget stuff

Hi Lisa □ I hope the moving preparations are going well. I□ve been working with OCFO to rework the budget after our Thursday discussion. Here□s where I think we are at this point.

(b) (5) Deliberative [redacted]

[redacted])?

(b) (5) Deliberative [redacted]?

(b) (5) Deliberative [redacted]

[redacted]

(b) (5) Deliberative

[redacted]

[redacted]

[redacted] ?

(b) (5) Deliberative

? (b) (5) Deliberative

[redacted]

[redacted]

[redacted] [redacted] [redacted]

(b) (5) Deliberative [redacted]

[redacted]

[redacted]

[redacted]

[redacted] Note that we really need to complete work on whatever we□re going to send out to the Agency□s leadership by the end of the day tomorrow, so, if you have further thoughts or reactions to what I□ve laid out here, that□s our timing. ☺

Cheers,
Scott

p.s. (b) (5) Deliberative . More to come.

(b) (5) Deliberative

revised disinvestment list.xls budget note to lisa.doc

01268-EPA-232

Scott Fulton/DC/USEPA/US	To	Richard Windsor
07/20/2009 03:42 PM	cc	"Bob Sussman", "Diane Thompson"
	bcc	
	Subject	Budget Decisions - follow up questions

Hi Lisa - Thanks again for the earlier input. We are incorporating your thoughts and reactions. A few issues from your note and our meeting with OCFO this morning.

(b) (5) Deliberative [redacted]?

(b) (5) Deliberative [redacted]?

(b) (5) Deliberative [redacted]?

(b) (5) Deliberative [redacted] Concept sound okay? Anything else for the list?

I'm probably giving you more than you can process on a day like this, but any impressions you have would be welcomed.

Cheers,

Scott

(b) (5) Deliberative agenda2011forum72309.doc (b) (5) Deliberative Contract Spending 2007- 2009 (excl reim).xls (b) (5) Deliberative Travel Detail Statistics 2004 thru 2009a v2.xls

(b) (5) Deliberative TRAVEL FACT SHEET.doc

Richard Windsor (b) (5) Deliberative 07/20/2009 08:07:15 AM

From: Richard Windsor/DC/USEPA/US
To: "Scott Fulton" <Fulton.Scott@epamail.epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>, "Bob Sussman" <Sussman.bob@epa.gov>
Date: 07/20/2009 08:07 AM
Subject: Budget Decisions

(b) (5) Deliberative

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

Hope this helps.

Lisa

01268-EPA-233

Scott Fulton/DC/USEPA/US		To	"Richard Windsor"
07/20/2009 11:28 PM		cc	
		bcc	
		Subject	Fw: E and C paper

Hi Lisa - The attached note from Gina responds to my recut of the energy and environment piece. (b) (5) Deli Thoughts?

FYI, I'm thinking that, (b) (5) Deliberative

Gina McCarthy

----- Original Message -----
From: Gina McCarthy
Sent: 07/20/2009 07:10 PM EDT
To: Scott Fulton
Cc: Bob Sussman
Subject: Re: E and C paper

Scott - (b) (5) Deliberative

[redacted] Just a thought or two.....

Thanks again.

Scott Fulton Hi Gina and Bob: I am attaching my re... 07/20/2009 05:13:42 PM

From: Scott Fulton/DC/USEPA/US
To: Gina McCarthy/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Date: 07/20/2009 05:13 PM
Subject: E and C paper

Hi Gina and Bob: I am attaching my recut of the E and C piece. (b) (5) Deliberative

(b) (5) Deliberative We're about out of time, but feel free to offer comments/edits (comments in the form of edits would be easiest to work with).

I am attaching both my mark-up from Gina's earlier version and a clean version. Suggest you look at the clean version.

Cheers,
Scott

(b) (5) Deliberative (b) (5) Deliberative

enery and climate initiative paper sf edits clean.doc enery and climate initiative paper sf edits.doc

01268-EPA-237

Scott Fulton/DC/USEPA/US
07/24/2009 05:35 PM

To Richard Windsor
cc
bcc
Subject Fw: SED V Mercury Outcome

See below the text covering (b) (5) Deliberative

----- Forwarded by Scott Fulton/DC/USEPA/US on 07/24/2009 05:34 PM -----

From: Mark Kasman/DC/USEPA/US
To: Scott Fulton/DC/USEPA/US@EPA
Cc: Gary Waxmonsky/DC/USEPA/US@EPA, Beth Craig/DC/USEPA/US@EPA, Sarah Sowell/DC/USEPA/US@EPA, Wyatt Rockefeller/DC/USEPA/US@EPA, Carla Veney/DC/USEPA/US@EPA
Date: 07/24/2009 02:13 PM
Subject: SED V Mercury Outcome

Hi Scott,

Attached is the language on the SED V mercury outcome as requested.
I have also attached the whole outcomes document for your information.

- Mark

(b) (5) Deliberative

(b) (5) Deliberative

SED V Outcome Document FINAL (USG ONLY) 12-5-08.pdf

Mark S. Kasman
Senior Advisor, Asia-Pacific
Office of International Affairs (2650R)
U.S. Environmental Protection Agency
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
TEL: 1-202-564-2024
FAX: 1-202-565-2411

01268-EPA-275

Arvin Ganesan/DC/USEPA/US
08/31/2009 07:48 PM

To Richard Windsor
cc
bcc
Subject materials for tomorrow's briefing

I'm attaching updated materials for tomorrow's meeting on the Barton/Sensenbrenner docs. I'll send a (b) (5) Deliberative followup message Barton-Carlin-083109-cover letter&QsandA ARG DRAFT.doc (b) (5) Deliberative Sensenbrenner-Carlin-083109QsandA ARG DRAFT.doc shortly.

ARVIN R. GANESAN
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(p) 202.564.5200
(f) 202.501.1519

01268-EPA-278

Arvin Ganesan/DC/USEPA/US

09/01/2009 03:50 PM

To Richard Windsor
cc David McIntosh
bcc
Subject Fw: Letter for Administrator Lisa Jackson

I just got an email from Senator Voinovich's staff, that included the letter below. (b) (5) Deliberative [redacted]

Administrator Lisa Jackson
USEP A Ariel Rios Building
1200 Pennsylvania Avenue N.W.
Washington, DC 20004

Dear Administrator Jackson,

I was disappointed by your August 6, 2009, response to the request that Senator Inhofe and I made for a comprehensive economic and environmental impact analysis of the American Clean Energy and Security (ACES) Act of 2009. This is the second time the Environmental Protection Agency (EPA) has denied the Senate information related to EPA's modeling of ACES. Without this information, the Senate and our constituents will not have a complete picture of ACES including its effect on the nation's energy infrastructure, consumers, small businesses, jobs, and the economy.

In your letter, you wrote that the Energy Information Administration's (EIA) recent economic analysis of ACES addresses all of the issues raised in our request, thereby making EPA's additional analysis unnecessary. Unfortunately, this is not the case. While I found EIA's analysis of ACES to be informative, EIA's modeling is lacking in a number of respects. For example, EIA's model only provides information through the year 2030, while EPA's model extends out to 2050. Because the effects of the legislation will compound over time, data for the 2030 to 2050 years are critical to having a complete understanding of how the bill will impact the economy. EPA can also provide us with information related to the impact ACES might have on global C02 concentrations, including information on what might happen if other countries do not participate in emissions reductions schemes or conform to equitable, and consistent international commitments. EIA does not evaluate this type of data in its model, leaving EPA as the only government source that can provide information on whether the bill will have any impact on climate change.

We are interested in getting EPA's complete analysis before the debate over climate change legislation occurs in the Senate. Considering the sheer magnitude of this legislation, which will touch every part of the American economy, Senators should have thorough analyses from both EPA and EIA to facilitate a full, open, and transparent debate on cap-and-trade. Moreover, ACES has been placed on the Senate calendar, and major portions of the bill will likely be part of Senate climate change legislation. And, as the House vote on the bill attests, ACES is the

House position on cap-and-trade legislation. If the need arises for a conference committee, Senators must have a complete understanding of the House position and its effect on jobs and the economy.

In its initial analysis, EPA concluded that ACES will cost Americans a mere "postage stamp a day" - an assertion that rests on assumptions that are widely recognized to defy political, practical, and technological realities. Such assertions call into question EPA's ability to produce analysis that is objective and reliable. You seemed to hint as much in your response letter, in which you referred us to EIA's analysis, because, as you wrote, "EIA operates independently of any political appointees and is recognized widely as an independent, rigorous economic modeling resource."

While I understand that passing an economy-wide, cap-and-trade program for greenhouse gasses is a major priority for the Obama Administration, that priority should not compromise EPA's ability to provide the U.S. Senate with a straightforward, comprehensive analysis of ACES. As the Senate considers this legislation or some variant of it, policymakers need analysis that covers the full range of effects from the bill-which includes using real-world assumptions about energy demand, energy supply, energy efficiency, and other issues critical to the bill's implementation and costs to economy. I understand that some speculation will occur and difficult assumptions will be made in predicting the impact of the bill, but every effort should be made to make it as objective as possible.

The seriousness of this issue demands a comprehensive, transparent analysis of the policy proposal now before us. I look forward to talking with you about this matter in the near future.
George Voinovich
United States Senator

ARVIN R. GANESAN
Deputy Associate Administrator
Congressional Affairs
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United States Environmental Protection Agency
Ganesan.Arvin@epa.gov
(p) 202.564.5200
(f) 202.501.1519
----- Forwarded by Arvin Ganesan/DC/USEPA/US on 09/01/2009 03:44 PM -----

From:	"Johnston, Todd (Voinovich)" <Todd_Johnston@voinovich.senate.gov>
To:	Arvin Ganesan/DC/USEPA/US@EPA
Date:	09/01/2009 03:21 PM
Subject:	Letter for Administrator Lisa Jackson

Arvin

Attached is a letter for Administrator Jackson concerning EPA’s modeling.

Bet your missing Aug recess.

Todd

01268-EPA-282

Arvin Ganesan/DC/USEPA/US

09/01/2009 06:16 PM

To Richard Windsor
cc
bcc
Subject follow up from our meeting on oversight

Administrator,

(b) (5) Deliberative I'll send a separate note in a second, but I've attached an updated cover letter and also pasted it here. I also have a messaging document that OPA developed on this attached.

Arvin

(b) (5) Deliberative (b) (5) Deliberative

Carlin Messaging.doc Barton-Carlin-083109-cover letterv2.doc

The Honorable Joe Barton
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Barton:

Thank you for your letter of July 16, 2009 requesting additional information and documents related to the U.S. Environmental Protection Agency's (EPA or Agency) proposed endangerment finding and technical support document (TSD).

(b) (5) Deliberative

[redacted]

(b) (5) Deliberative [redacted]

[redacted]

. Thank you again for your letter. If you have further questions, please contact me, or your staff may contact Arvin Ganesan in EPA's Office of Congressional and Intergovernmental Affairs at 202-564-4741.

Sincerely,

Lisa P. Jackson

Enclosures

ARVIN R. GANESAN
Deputy Associate Administrator
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Office of the Administrator
United States Environmental Protection Agency
Ganesan.Arvin@epa.gov
(p) 202.564.5200
(f) 202.501.1519

01268-EPA-284

David McIntosh/DC/USEPA/US
09/01/2009 10:57 PM

To windsor.richard
cc ganesan.arvin
bcc
Subject Re: Fw: Letter for Administrator Lisa Jackson

(b) (5) Deliberative [redacted]

Arvin Ganesan I just got an email from Senator Voinovi... 09/01/2009 03:50:30 PM

From: Arvin Ganesan/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: David McIntosh/DC/USEPA/US@EPA
Date: 09/01/2009 03:50 PM
Subject: Fw: Letter for Administrator Lisa Jackson

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Administrator Lisa Jackson
USEP A Ariel Rios Building
1200 Pennsylvania Avenue N.W.
Washington, DC 20004

Dear Administrator Jackson,

I was disappointed by your August 6, 2009, response to the request that Senator Inhofe and I made for a comprehensive economic and environmental impact analysis of the American Clean Energy and Security (ACES) Act of 2009. This is the second time the Environmental Protection Agency (EPA) has denied the Senate information related to EPA's modeling of ACES. Without this information, the Senate and our constituents will not have a complete picture of ACES including its effect on the nation's energy infrastructure, consumers, small businesses, jobs, and the economy.

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We are interested in getting EPA's complete analysis before the debate over climate change legislation occurs in the Senate. Considering the sheer magnitude of this legislation, which will touch every part of the American economy, Senators should have thorough analyses from both EPA and EIA to facilitate a full, open, and transparent debate on cap-and-trade. Moreover, ACES has been placed on the Senate calendar, and major portions of the bill will likely be part of Senate climate change legislation. And, as the House vote on the bill attests, ACES is the House position on cap-and-trade legislation. If the need arises for a conference committee, Senators must have a complete understanding of the House position and its effect on jobs and the economy.

In its initial analysis, EPA concluded that ACES will cost Americans a mere "postage stamp a day" - an assertion that rests on assumptions that are widely recognized to defy political, practical, and technological realities. Such assertions call into question EPA's ability to produce analysis that is objective and reliable. You seemed to hint as much in your response letter, in which you referred us to EIA's analysis, because, as you wrote, "EIA operates independently of any political appointees and is recognized widely as an independent, rigorous economic modeling resource."

While I understand that passing an economy-wide, cap-and-trade program for greenhouse gasses is a major priority for the Obama Administration, that priority should not compromise EPA's ability to provide the U.S. Senate with a straightforward, comprehensive analysis of ACES. As the Senate considers this legislation or some variant of it, policymakers need analysis that covers the full range of effects from the bill-which includes using real-world assumptions about energy demand, energy supply, energy efficiency, and other issues critical to the bill's implementation and costs to economy. I understand that some speculation will occur and difficult assumptions will be made in predicting the impact of the bill, but every effort should be made to make it as objective as possible.

The seriousness of this issue demands a comprehensive, transparent analysis of the policy proposal now before us. I look forward to talking with you about this matter in the near future.
George Voinovich
United States Senator

ARVIN R. GANESAN

Deputy Associate Administrator
Congressional Affairs
Office of the Administrator
United States Environmental Protection Agency
Ganesan.Arvin@epa.gov
(p) 202.564.5200
(f) 202.501.1519
----- Forwarded by Arvin Ganesan/DC/USEPA/US on 09/01/2009 03:44 PM -----

From:	"Johnston, Todd (Voinovich)" <Todd_Johnston@voinovich.senate.gov>
To:	Arvin Ganesan/DC/USEPA/US@EPA
Date:	09/01/2009 03:21 PM
Subject:	Letter for Administrator Lisa Jackson

Arvin

Attached is a letter for Administrator Jackson concerning EPA's modeling.

Bet your missing Aug recess.

Todd

01268-EPA-293

Seth Oster/DC/USEPA/US
09/03/2009 06:26 PM

To Richard Windsor
cc Gina McCarthy, Lisa Heinzerling, Diane Thompson, David McIntosh, Allyn Brooks-LaSure
bcc
Subject Air Issues Rollout -- PSD, Autos and Ozone

Hi Administrator.

We need to make a few key decisions on the path forward on communicating the proposed PSD and Autos rules--which, if dates hold, would be the week after next. Gina, Lisa, David, Diane and I and others have been meeting and talking regularly about the strategy below, which you and I have also discussed in several conversations.

The purpose here is to provide you with (1) the summary plan, (2) an op-ed for your review and (3) to identify the challenges/tasks next week in getting going.

The op-ed is attached below and following is a summary of the objectives and strategy.

[redacted]

- (b) (5) Deliberative [redacted]
- [redacted]
- [redacted]

[redacted]

- [redacted]

  [redacted]

  [redacted]

  [redacted]

[redacted]

- (b) (5) Deliberative
- [redacted]
- [redacted]

(b) (5)
Deliberative

op.ed10.doc

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

01268-EPA-296

Allyn Brooks-LaSure/DC/USEPA/US

09/04/2009 04:45 PM

To Richard Windsor
cc Chuck Fox, Seth Oster, Peter Silva, Bob Sussman, Brendan Gilfillan
bcc
Subject ACTION: Chesapeake Bay documents

Administrator:

Attached/below are the Chesapeake Bay documents we discussed earlier today. Namely, a reformatted press release, topline messaging for the announcement and bullets for next week's plan. Please let us know what else you need for your message to Sec.Ag.

V/R,
MABL.

Here are the topline messages:

(b) (5) Deliberative

[redacted]

[redacted]

[redacted]

[redacted]

M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of the Administrator

Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov

(b) (5) Deliberative
Chesapeake Bay_Rollout.doc

(b) (5) Deliberative
Chesapeake Bay_Release.doc

01268-EPA-298

Cameron Davis/R5/USEPA/US

09/08/2009 10:42 AM

To windsor.richard
cc thompson.diane, sussman.bob, silva.peter
bcc
Subject Draft Action Plan

Lisa -- per our briefing with you on August 24, attached is the draft Action Plan.

(b) (5) Deliberative [redacted]

Bob and Pete, this is the latest version.

Any thoughts you have by 10 a.m. Eastern time 9/11 would allow us to incorporate changes and forward the document through OW for processing by OMB's 9/14 deadline. We are refining the document continually up until submission time.

Many thanks --

Cam

Cameron Davis
Senior Advisor to the Administrator
U.S. EPA
77 W. Jackson Boulevard
Room 1901
Chicago, IL 60604
312-886-4957

(b) (5) Deliberative [redacted]

davis.cameron@epa.gov **GLRI Action Plan 09-04-2009Draft.doc**

01268-EPA-319

Arvin Ganesan/DC/USEPA/US

09/15/2009 02:18 PM

To Richard Windsor
cc Diane Thompson, Seth Oster, Adora Andy, Allyn Brooks-LaSure, David McIntosh, Lisa Heinzerling, Scott Fulton, Gina McCarthy
bcc
Subject FYI - new letter on Carlin from Sensenbrenner

Below is a new letter from Sensenbrenner and Issa on Carlin. (b) (5) Deliberative

----
ARVIN R. GANESAN
Deputy Associate Administrator
Congressional Affairs
Office of the Administrator
United States Environmental Protection Agency
Ganesan.Arvin@epa.gov
(p) 202.564.5200
(f) 202.501.1519

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 09/15/2009 02:12 PM -----

From: "Freedhoff, Michal" <Michal.Freedhoff@mail.house.gov>
To: Arvin Ganesan/DC/USEPA/US@EPA
Date: 09/15/2009 02:02 PM
Subject: FW: EPA Reorganization Renews Concerns about Suppression of Opposing Views

Michal Ilana Freedhoff, Ph.D.
Policy Director
Office of Representative Edward J. Markey (D-MA)
2108 Rayburn House Office Building
Washington, DC 20515
202-225-2836

Sign-up to receive e-updates from Rep. Markey at
http://markey.house.gov/signup

From: Burnham-Snyder, Eben
Sent: Tuesday, September 15, 2009 1:58 PM
To: Bausch, Camilla; Baussan, Danielle; Beauvais, Joel; Brodsky, Aliya; CadenasMolina, Alma; Chenault, Jacqueline; Connell, Ellen; Duncan, Jeff; Freedhoff, Michal; Gray, Morgan; Intern1GW; Intern2GW; Intern3GW; Intern4GW; Intern5GW; Kenny, Shannon; Malvadkar, Partha; Phillips, Jonathan; Reilly, Daniel; Sharp, Jeff; Unruh-Cohen, Ana; Waldron, Gerry
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FYI

From: Global Warming-GOPNews
Sent: Tuesday, September 15, 2009 1:57 PM
To: Global Warming-GOPNews
Subject: EPA Reorganization Renews Concerns about Suppression of Opposing Views

U.S. House of Representatives

Select Committee on Energy Independence and Global Warming

F. James Sensenbrenner, Jr., Ranking Republican

http://republicans.globalwarming.house.gov/

News Advisory

For Immediate Release
Contact: Terry Lane

September 15, 2009
(202) 225-0110

EPA Reorganization Renews Concerns about Suppression of Opposing Views

Sensenbrenner, Issa Ask EPA's Jackson for Critical Information

Washington, D.C.- If the Environmental Protection Agency enacts a reported restructuring plan, the agency will weaken its ability to weigh the economic impact of its regulatory proposals and raise more concerns that it is trying to suppress internal opposition to proposed climate rules, Rep. Jim Sensenbrenner, R-Wis., and Rep. Darrell Issa, R-Calif., wrote in a letter to EPA Administrator Lisa Jackson.

Recent news reports show EPA is working to remove all scientists from the agency's National Center for Environmental Economics (NCEE), which provides EPA with economic analysis of proposed rules and regulations. Sensenbrenner and Issa said the news reports confirmed the concerns about reorganizing NCEE they raised with Jackson in a July 17 letter that requested documents and interviews with key EPA staff.

"Separating science from economic analysis will be bad news for taxpayers and for the economy," said Sensenbrenner, Ranking Republican on the House Select Committee on Energy Independence and Global Warming. "Regulation is a balancing act. What is the potential harm and what are the potential costs of action? By removing scientists from its economic office, EPA destroys this balance. Without scientific expertise, the economists cannot credibly analyze costs. The result will be more regulation and more costs to taxpayers without any idea whether these costs are justified."

Sensenbrenner and Issa have said they are alarmed that a report from NCEE economist Dr. Alan Carlin, which raised questions about some of the science EPA was using to bolster its proposed climate regulations, was kept out of EPA's record because it failed to support Administration policy. They said the proposed restructure could be part of an effort to retaliate against Dr. Carlin and others who raise scientific challenges to Administrative policy goals.

"EPA is moving swiftly to consolidate its power over U.S. energy production through regulation of CO2 and other GHGs under the Clean Air Act. The NCEE was an internal stumbling block that raised concerns about an ideologically driven agenda. Now EPA is taking actions to dismantle the office," said Issa, the Ranking Republican on the Oversight and Government Reform Committee. "This proposal reeks of Chicago style politics - eliminating voices that dared to question."

"This action sends a message to Dr. Carlin and scientists at EPA, 'Get behind the Administration's political goals or suffer the consequences,'" Sensenbrenner said.

Internal EPA e-mails show Dr. Carlin's report was excluded from EPA's record after the NCEE director said that the agency had decided to move forward on its climate regulations and that his report did not help "the legal or policy case for the decision." In the July 17 letter to EPA, Sensenbrenner and Issa said interviews with EPA staff showed that submitting the report may have negatively impacted NCEE and undermined its role in the agency.

EPA has supplied some documents to committee staff, but withheld others. "EPA has proposed the largest regulatory effort in history. Our committees have uncovered irregularities with the process and it is imperative that these issues are fully investigated and resolved before the deliberative process is complete," Sensenbrenner and Issa wrote.

"This isn't about one director excluding the work of one employee," Sensenbrenner said. "This is about a culture within EPA where economic analysis is unwelcome. Several studies show that regulating greenhouse gas emissions will raise energy prices and negatively impact our economy, so it's critical that policy makers have useful scientific and economic analysis. Economic considerations not only help policy makers determine when to act, but also, how best to act when it becomes clear that regulation is necessary. If EPA weakens NCEE, taxpayers will pay a very heavy price."

The letter is attached:

September 14, 2009

The Honorable Lisa Jackson

Administrator

U.S. Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

Dear Administrator Jackson:

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In a letter dated July 17, 2009, we expressed concern that EPA was proceeding on a predetermined course to propose and finalize an endangerment finding for GHGs and was erecting hurdles to limit opposing viewpoints. We also expressed alarm over treatment of Dr. Alan Carlin, a 37 year career civil servant. Dr. Carlin has a long history of working on climate change policy and was considered a valuable resource by his peers. As a participant in the internal agency review process, he drafted a report critical of the Technical Support Document (TSD), which provides the scientific basis for the endangerment finding. However, Dr. Carlin's supervisor, Dr. Al McGartland, suppressed his report, in part, because Dr. McGartland feared that "submitting it for the record would have negatively impacted NCEE and undermined its role within EPA."

Substantial evidence suggests that EPA has in fact taken retaliatory actions against Dr. Carlin. Dr. Carlin has been prohibited from working on climate change issues and has been reassigned to menial tasks. With the proposed "reorganization" of NCEE, it now appears that Dr. McGartland's concerns for retaliation against NCEE were also well founded.

In the July 17 letter, we requested that EPA produce specific documents that would help us develop a more informed understanding of whether officials at EPA behaved inappropriately. We received delivery of select documents on September 3, 2009. EPA, however, expressly withheld certain responsive documents, citing both privacy concerns of personnel and deliberative process.

We are sensitive to privacy concerns and are willing to make reasonable accommodations. Sensitive information not relevant to our investigation could be redacted. Alternatively, our staff could review certain sensitive documents in camera.

Withholding responsive documents because of EPA's deliberative process is simply unacceptable. EPA has proposed the largest regulatory effort in history. Our committees have uncovered irregularities with that process, and it is imperative that these issues are fully investigated and resolved before the deliberative process is complete. For this reason, Congress has never recognized a deliberative process exemption from the executive branch.

Moreover, recent media reports have renewed our concerns that EPA plans to dismantle NCEE by removing all scientific staff, decoupling the science from the economics and therefore marginalizing the office. As a recent editorial in the Washington Times pointed out, such a move would "undermine the entire reason for its existence namely 'researching environmental health issues to improve risk assessment data used in economic analyses for [new regulatory] rules.'"

If NCEE cannot weigh scientific evidence, it will not have a basis for advising the Administrator on the economic impact of proposed regulations. Such a move would impair the Administrator's ability to determine if the cost of a regulation exceeded its benefits. This concern was first articulated in our July 17, 2009 letter.

At a time when American families and businesses are facing unparalleled financial challenges, EPA should not deliberately impair its ability to analyze the economy-wide impact of its regulatory actions. This is especially true in light of the negative impacts that regulation of GHGs under the CAA will have on our economy.

The Obama Administration has repeatedly lauded the need for transparency in government and sound science, but gutting NCEE leaves the unmistakable impression that EPA is silencing the only office that raised serious and legitimate concerns over the proposed endangerment finding. When combined with the marginalization of Dr. Carlin, we have no choice but to remain deeply concerned that EPA is acting to eliminate all internal opposition to its political agenda of regulating GHGs under the CAA. Given these serious concerns, we request again that all responsive documents be produced and the requested briefings provided.

Please contact Kristina Moore, Senior Counsel, House Oversight and Government Reform Committee or Bart Forsyth, Staff Director, House Select Committee on Energy Independence and Global Warming to set up a briefing regarding the reorganization of the NCEE. Please deliver documents requested in our July 17 letter no later than September 24, 2009.

Sincerely,

Darrell Issa F.
James Sensenbrenner, Jr.

Ranking Member Ranking
Member

Committee on Oversight Select
Committee on Energy Independence

and Government Reform and Global
Warming

cc: The Honorable Edolphus Towns, Chairman

The Honorable Ed Markey, Chairman

# # # #

image001.png

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Sincerely,

Darrell Issa	F. James Sensenbrenner, Jr.
Ranking Member	Ranking Member
Committee on Oversight	Select Committee on Energy Independence
and Government Reform	and Global Warming

cc: The Honorable Edolphus Towns, Chairman

The Honorable Ed Markey, Chairman

# # # #

01268-EPA-331

Allyn Brooks-LaSure/DC/USEPA/US	To	Richard Windsor
	cc	
09/21/2009 10:57 AM	bcc	
	Subject	List of activities.

This is not inclusive, but does capture many of the off-hours activities taking place this week.

M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of the Administrator

Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov

----- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 09/21/2009 10:56 AM -----

] CBC ALC WEEK 2009.docx

01268-EPA-341

Betsaida Alcantara/DC/USEPA/US
09/24/2009 02:42 PM

To Richard Windsor
cc Adora Andy
bcc
Subject National Journal cover

Boss,
Attached is the preview of the piece running on the National Journal tmr. We think it is a favorable story.
(b) (5) Deliberative [redacted]

Do you like the cover pic? Allyn likes it cause you look serious :) For those of us who like you smiling, there's another pic inside for the Q and A portion.

----- Forwarded by Betsaida Alcantara/DC/USEPA/US on 09/24/2009 02:25 PM -----

From: "Kriz Hobson, Margaret" <MKriz@nationaljournal.com>
To: Betsaida Alcantara/DC/USEPA/US@EPA
Date: 09/24/2009 01:49 PM
Subject: cover

Hi Betsaida,

Here's the cover of tomorrow's magazine in J-peg form. The reason I didn't use Lisa's middle initial is because it's our policy not to use middle initials. If she wants me to use it in the future, however, I'll tell the editors that she wants it, and I think they'll go along with it. Sometimes editors need to be prompted more than once. As for active vs. activist—the q&a with her words in it says "active" and explains her thinking on that. My editor added the "activist" into the first line of the story. And since I had several people on both sides of the arguments who used that word, I was hard pressed to insist that we take the word out.

Thanks again for your help!
Margie

Margaret Kriz Hobson
Energy and Environment Correspondent
National Journal
(202) 739-8428

926a-side.pdf 926a.pdf

The Re-evaluator

Chemical engineer Lisa Jackson has spent much of her first eight months as administrator of the Environmental Protection Agency reviewing Bush-era decisions.

■ By Margaret Kriz Hobson

In late January, shortly after Lisa Jackson was sworn in as administrator of the Environmental Protection Agency, President Obama directed her to take a second look at his predecessor's decision to block California's efforts to regulate global-warming pollution from cars. In September, Jackson, together with Transportation Secretary Ray LaHood, reversed the Bush administration's ruling.

Jackson, a Princeton-educated chemical engineer, has spent much of her first eight months on the job re-evaluating Bush policies. She is also using her position to push for greater diversity in the voices that are heard in environmental policy debates. "We have to get someone who sits in an urban setting or who is really concerned about school conditions to see themselves as caring about environmental issues," Jackson, the agency's first African-American administrator, told *National Journal*. "For us to have a vibrant and strong movement for the environment into the future, it means building again the broad coalition that got us the EPA to start with." Edited excerpts from *NJ*'s September 21 interview with Jackson follow.

■ NJ: Why are you reviewing and reversing many of the Bush administration's environmental policies?

■ Jackson: President Obama came in and made it clear that he wants to revitalize national environmental policy and EPA's role in being active in promoting human health and the environment. So we have called for review in those cases where we believe that a regulation or standard didn't necessarily follow sound science. I think that it is extremely important [for people to believe that they] can trust EPA, that sound science is something that we will adhere to.


LIZ LYNCH

> "We have called for review in those cases where we believe that a [Bush-era] regulation or standard **didn't necessarily follow sound science.**"
>
> —Lisa Jackson

■ NJ: Would it be difficult to regulate greenhouse gases under the Clean Air Act rather than through a new law?

■ Jackson: There are two tracks here. There has always been the idea of new legislation specifically designed and put together to address carbon dioxide and greenhouse-gas pollution. The belief is based on the idea—and I subscribe to it—that it's better to be market-based. That will provide an incentive, a clear signal, on the price for carbon, and therefore the markets will react. And I agree with all of that. I think legislation is the best way to do that.

But I think regulation does the same thing. Any regulatory program also imposes a cost. And industry looks at it and says, "OK, so now we have these new regulations to comply with. How best can we do that?" I believe there are some very good, measured things that can happen with respect to greenhouse gases under the Clean Air Act that are entirely consistent with what I hope will ultimately be climate legislation.

■ NJ: The Clean Air Act directs EPA to regulate companies that emit at least 250 tons of a hazardous chemical. If you regulate greenhouse gases under the law, do you risk being forced to regulate a lot of small businesses?

■ Jackson: I've said over and over that that would not be a satisfactory outcome. If that were the case, then I would agree that it is not the way to regulate smartly. I believe there are things that we can do in terms of the regulatory environment to preclude that outcome.

■ NJ: The administration recently released draft reports aimed at restoring the health of the Chesapeake Bay. Do you plan to adopt regulations to reach that goal?

■ Jackson: There's an ongoing need to force some rigor into the system. But the decisions are tough. EPA recognizes and embraces its fundamental role of sometimes having to be the watchdog to ensure that we don't move away from the tough decisions.

The Chesapeake Bay allows us to use it as a laboratory. I hope that what we learn from some of the things that we try on the bay will be lessons that we can use one way or the other in terms of national policy. The EPA's draft report on the bay got lots of attention because it specifically talked about the opportunities to consider new regulations [targeting such issues as] storm-water runoff from development and enforcement of the existing [industrial animal facility] regulations—and an understanding that we probably need additional regulations even there. So it's both. It's [about the regulations] that you now have on the books and about operations that aren't currently regulated. ■

mhobson@nationaljournal.com

September 26, 2009

- Can the CIA Keep a Secret?
- A Makeover In Appropriations

National Journal

About-Face

By Margaret Kriz Hobson

Under Lisa Jackson, the Environmental Protection Agency is reversing the course it took during the Bush years.

Cover Story