

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 10/31/2017 1:47:00 AM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: Re: CCR and ELG Briefs

Thank you

Sent from my iPad

On Oct 30, 2017, at 6:37 PM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:

Hi Andrew, here are the word docs from your briefing this morning. I'll track down the items you requested from the water briefing and send them along when they're ready.

Kaitlyn Shimmin

Special Assistant Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

O: (202) 564-4108

C: Ex. 6

Shimmin.Kaitlyn@epa.gov

<CCR Briefing for Wheeler.docx>

<Steam Electric ELG Briefing for Wheeler.docx>

Message

From: Koetzle, William A [bkoetzle@chevron.com]
Sent: 10/18/2017 8:37:31 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: RE: catch up

Works great, thank you

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
Sent: Wednesday, October 18, 2017 4:36 PM
To: Koetzle, William A <bkoetzle@chevron.com>; Lyons, Troy <lyons.troy@epa.gov>
Subject: [**EXTERNAL**] RE: catch up

He's out of town Monday. How about Thursday at 11 AM?

Kaitlyn Shimmin

*Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator*

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

O: (202) 564-4108

C: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Koetzle, William A [mailto:bkoetzle@chevron.com]
Sent: Wednesday, October 18, 2017 11:20 AM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: catch up

Sure, sorry about problem. Monday any time between 10am and 2pm. Or anytime thursday

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
Sent: Wednesday, October 18, 2017 11:16 AM
To: Lyons, Troy <lyons.troy@epa.gov>; Koetzle, William A <bkoetzle@chevron.com>
Subject: [**EXTERNAL**] Re: catch up

Hi Mr. Koetzle, Troy is unable to make coffee today. Is there a day that works for you next week?

Sent from my iPhone

On Oct 11, 2017, at 9:07 AM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Could you add to the schedule

Troy M. Lyons

Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency

Ex. 6 (cell)

Sent from my iPhone

Begin forwarded message:

From: "Koetzle, William A" <bkoetzle@chevron.com>
Date: October 11, 2017 at 8:56:25 AM EDT
To: "Lyons, Troy" <lyons.troy@epa.gov>
Subject: Re: Re: catch up

Perfect. Bucks at 1. Take care

Sent from my iPhone

On Oct 11, 2017, at 8:27 AM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Looks good. 1:00?

Troy M. Lyons

Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency

Ex. 6 (cell)

Sent from my iPhone

On Oct 11, 2017, at 7:54 AM, Koetzle, William A
<bkoetzle@chevron.com> wrote:

Hey, hows it going? Been too long. Time for a
coffee next week? Pick a time, ill make it work. take
care, hope all is well

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/5/2017 9:34:06 PM
To: wwehrums@hunton.com; David Ross [Ex. 6]; Dourson, Michael (doursoml) [doursoml@ucmail.uc.edu]; Leopold, Matthew Z. [MLeopold@carltonfields.com]
CC: Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Rodrick, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6515dbe46dae466da53c8a3aa3be8cc2-Rodrick, Ch]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Cory, Preston (Katherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bfd80b15f6d04a3ba11fc8ca3c85bc50-Cory, Kathe]
Subject: QFR Reference Sheet/Talking Points
Attachments: 2017.10.05 - Proposed Responses to Anticipated Questions for the Record.....docx

Hi All,

In an effort to assist in the heavy lift of the QFR process we have developed the attached reference sheet with talking points and suggested answers to expected questions.

Many of the questions you will receive will be different variations of the same question and basically the same topic. Also, we hope above sheet will make it easier to stick to a very standard response.

Please let us know if you need anything further.

Have a great evening,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: [Ex. 6]
E: Palich.Christian@epa.gov



Office of Congressional &
Intergovernmental Relations

Proposed Responses to Anticipated Questions for the Record

October 5th, 2017

Background:

At 10 am on Wednesday, October 4th, 2017, the Senate Committee on Environment and Public Works (EPW) held a full committee hearing entitled, *Hearing on the Nominations of Michael Dourson, Matthew Leopold, David Ross, and William Wehrum to be Assistant Administrators of the Environmental Protection Agency, and Jeffery Baran to be a Member of the Nuclear Regulatory Commission*. The following document provides talking points for proposed responses to anticipated questions for the record (QFR), which will be relayed to the EPA nominees from Senate EPW members.

Anticipated Questions:

Any Nominee:

Deliberative Process / Ex. 5



Office of Congressional &
Intergovernmental Relations

Deliberative Process / Ex. 5

[PAGE * MERGEFORMAT] of 8

Any Nominee



Office of Congressional &
Intergovernmental Relations

Dr. Michael Dourson, OCSPP

Deliberative Process / Ex. 5

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Dr. Michael Dourson, OCSPP



Office of Congressional &
Intergovernmental Relations

Deliberative Process / Ex. 5

[PAGE * MERGEFORMAT] of 8

Dr. Michael Dourson, OCSPP



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Intergovernmental Relations

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[PAGE * MERGEFORMAT] of 8

Dr. Michael Dourson, OCSPP



Office of Congressional &
Intergovernmental Relations

Matt Leopold, OGC

Deliberative Process / Ex. 5

[PAGE * MERGEFORMAT] of 8

Matt Leopold, OGC



Office of Congressional &
Intergovernmental Relations

David Ross, OW

Deliberative Process / Ex. 5

[PAGE * MERGEFORMAT] of 8

David Ross, OW



Office of Congressional &
Intergovernmental Relations

Bill Wehrum, OAR

Deliberative Process / Ex. 5

[PAGE * MERGEFORMAT] of 8

Bill Wehrum, OAR

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 10/5/2017 6:47:30 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: RE: Wheeler **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Andrew R. Wheeler

Principal

andrew.wheeler@FaegreBD.com Download vCard

D: +1 202 312 7424 **Ex. 6** F: +1 202 312 7460

Faegre Baker Daniels Consulting

1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
Sent: Thursday, October 05, 2017 10:37 AM
To: Wheeler, Andrew R.
Subject: RE: Wheeler **Deliberative Process / Ex. 5**

Thanks!

Kaitlyn Shimmin

Special Assistant Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

O: (202) 564-4108

C: **Ex. 6**

Shimmin.Kaitlyn@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Thursday, October 5, 2017 10:27 AM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: RE: Wheeler **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Andrew R. Wheeler

Principal

andrew.wheeler@FaegreBD.com Download vCard

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Faegre Baker Daniels Consulting

1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]

Sent: Thursday, October 05, 2017 9:26 AM

To: Wheeler, Andrew R.

Subject: RE: Wheeler [Deliberative Process / Ex. 5]

Deliberative Process / Ex. 5

Thanks,

Kaitlyn Shimmin

Special Assistant Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

O: (202) 564-4108

C: [Ex. 6]

Shimmin.Kaitlyn@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]

Sent: Wednesday, October 4, 2017 2:09 PM

To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>

Subject: RE: Wheeler [Deliberative Process / Ex. 5]

Deliberative Process / Ex. 5

Andrew R. Wheeler

Principal

andrew.wheeler@FaegreBD.com Download vCard

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Faegre Baker Daniels Consulting

1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Wheeler, Andrew R.

Sent: Tuesday, October 03, 2017 8:42 PM

To: Shimmin, Kaitlyn

Cc: Ryan Jackson

Subject: Wheeler [Deliberative Process / Ex. 5]

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Sent from my iPad

On Oct 3, 2017, at 4:03 PM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:

Thanks again!

Kaitlyn Shimmin

Special Assistant Congressional and Intergovernmental Affairs

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1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

O: (202) 564-4108

C: Ex. 6

Shimmin.Kaitlyn@epa.gov

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 10/18/2017 7:54:50 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: RE: Nomination Timeline

No problem.

Andrew R. Wheeler

Principal

andrew.wheeler@FaegreBD.com Download vCard
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Faegre Baker Daniels Consulting

1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
Sent: Wednesday, October 18, 2017 3:53 PM
To: Wheeler, Andrew R.
Subject: Re: Nomination Timeline

Double checked it's 3:30. Sorry about that!

Sent from my iPhone

On Oct 18, 2017, at 3:50 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

On my calendar for tomorrow I have a 4:00 with Sullivan but in the notes it says it's at 3:30. I can do either, but which is it? Thanks.

Andrew R. Wheeler

Principal

andrew.wheeler@FaegreBD.com Download vCard
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Faegre Baker Daniels Consulting

1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
Sent: Wednesday, October 18, 2017 3:24 PM
To: Wheeler, Andrew R.
Subject: RE: Nomination Timeline

2:30 PM on the 26th work for a Walden meeting? He's out of town the 27th.

Kaitlyn Shimmin

Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
O: (202) 564-4108
C: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Wheeler, Andrew R. [<mailto:Andrew.Wheeler@FaegreBD.com>]
Sent: Monday, October 16, 2017 4:22 PM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: RE: Nomination Timeline

I'm tied up the morning of the 26th.

Andrew R. Wheeler

Principal

andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | Ex. 6 F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Shimmin, Kaitlyn [<mailto:shimmin.kaitlyn@epa.gov>]
Sent: Friday, October 13, 2017 5:24 PM
To: Wheeler, Andrew R.; Lyons, Troy
Cc: Jackson, Ryan; Bowman, Liz; Palich, Christian; Ringel, Aaron; Frye, Tony (Robert); Rodrick, Christian
Subject: RE: Nomination Timeline

Andrew, Below are your meetings with EPW Members for next week. I will keep continue to keep you updated as I'm sure there will be changes.

Monday, Oct 16

2:45 PM: Meeting with OCIR Staff
Location: 3426 William Jefferson Clinton North

Tuesday, Oct 17

11:00 AM: Meeting with Senator Fischer
Location: 454 Russell

2:30 PM: Meeting with Senator Duckworth
Location: Hart 524

3:30 PM: Meeting with Chairman Barrasso
Location: Dirksen 307

4:30 PM: Meeting with Senator Markey
Location: 255 Dirksen

Wednesday, Oct 18

3:30 PM: Meeting with Senator Capito
Location: Russell 172

Thursday, Oct 19

2:30 PM: Meeting with Senator Whitehouse
Location: Hart 530

3:30 PM: Meeting with Senator Sullivan
Location: 702 Hart

Kaitlyn Shimmin

Special Assistant Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

O: (202) 564-4108

C: **Ex. 6**

Shimmin.Kaitlyn@epa.gov

From: Wheeler, Andrew R. [<mailto:Andrew.Wheeler@FaegreBD.com>]

Sent: Friday, October 13, 2017 1:50 PM

To: Lyons, Troy <lyons.troy@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>

Subject: Re: Nomination Timeline

Thank you. **Deliberative Process / Ex. 5**

Sent from my iPhone

On Oct 13, 2017, at 1:20 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Andrew—I wanted to provide you with an update on your confirmation process. Please let us know if we have missed any items in our list below or you need additional information.

HOUSEKEEPING ITEMS

Deliberative Process / Ex. 5

TIMING

Deliberative Process / Ex. 5

SCHEDULE

Deliberative Process / Ex. 5

POST HEARING TIMING

Deliberative Process / Ex. 5

Troy M. Lyons

Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

Ex. 6 (cell)

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 10/18/2017 7:24:59 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: RE: Nomination Timeline

Yes, thanks

Andrew R. Wheeler

Principal

andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | **Ex. 6** | F: +1 202 312 7460

Faegre Baker Daniels Consulting

1050 K Street NW | Suite 400 | Washington, DC 20001, USA

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Sent: Wednesday, October 18, 2017 3:24 PM
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Subject: RE: Nomination Timeline

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Kaitlyn Shimmin

Special Assistant Congressional and Intergovernmental Affairs

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Subject: RE: Nomination Timeline

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Andrew R. Wheeler

Principal

andrew.wheeler@FaegreBD.com Download vCard
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Faegre Baker Daniels Consulting

1050 K Street NW | Suite 400 | Washington, DC 20001, USA

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Sent: Friday, October 13, 2017 5:24 PM

To: Wheeler, Andrew R.; Lyons, Troy
Cc: Jackson, Ryan; Bowman, Liz; Palich, Christian; Ringel, Aaron; Frye, Tony (Robert); Rodrick, Christian
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Kaitlyn Shimmin

*Special Assistant Congressional and Intergovernmental Affairs
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Shimmin.Kaitlyn@epa.gov

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Sent: Friday, October 13, 2017 1:50 PM

To: Lyons, Troy <lyons.troy@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>

Subject: Re: Nomination Timeline

Thank you.

Deliberative Process / Ex. 5

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Andrew—I wanted to provide you with an update on your confirmation process. Please let us know if we have missed any items in our list below or you need additional information.

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Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Troy M. Lyons

Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

Ex. 6 (cell)

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 10/13/2017 10:01:47 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: Re: Nomination Timeline

Thanks!

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Kaitlyn Shimmin

Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
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O: (202) 564-4108

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Shimmin.Kaitlyn@epa.gov

From: Wheeler, Andrew R. [<mailto:Andrew.Wheeler@FaegreBD.com>]

Sent: Friday, October 13, 2017 1:50 PM

To: Lyons, Troy <lyons.troy@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>

Subject: Re: Nomination Timeline

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Andrew—I wanted to provide you with an update on your confirmation process. Please let us know if we have missed any items in our list below or you need additional information.

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Deliberative Process / Ex. 5

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SCHEDULE

Deliberative Process / Ex. 5

POST HEARING TIMING

Deliberative Process / Ex. 5

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency

Ex. 6 (cell)

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/7/2017 6:10:47 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: Deliberative Process / Ex. 5 Questions

Hi Andrew,

Deliberative Process / Ex. 5

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/7/2017 5:47:02 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: November 8th Hearing Line by Line
Attachments: 2017.11.07 - Senate EPW Committee Andrew Wheeler Nomination Hearing Line....docx

Hi Andrew,

Deliberative Process / Ex. 5

Note: We will leave EPA in the van at 9am.

Have a great day,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6
E: Palich.Christian@epa.gov

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/3/2017 1:17:57 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: Re: Murder Board

I'll email you when we get there.

Sent from my iPhone

On Nov 3, 2017, at 9:16 AM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:

Sorry about that!! 1152 EAST constitution and 12th

Sent from my iPhone

On Nov 3, 2017, at 9:09 AM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

I don't have it on my calendar. Where is it and what door do we need to come to?

Andrew R. Wheeler

Principal

andrew.wheeler@FaegreBD.com Download vCard

D: +1 202 312 7424 | **Ex. 6** | F: +1 202 312 7460

Faegre Baker Daniels Consulting

1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/13/2017 10:25:48 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: RE: Meeting with EPA Nominee

I have a

Ex. 6

Andrew R. Wheeler

Principal

andrew.wheeler@faegrebd.com [Download vCard](#)

D: +1 202 312 7424 | **Ex. 6** | F: +1 202 312 7460

Faegre Baker Daniels Consulting

1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
Sent: Monday, November 13, 2017 5:14 PM
To: Wheeler, Andrew R.
Subject: RE: Meeting with EPA Nominee

Hi Andrew, Pallone's office just cancelled tomorrow's meeting due to an "unforeseen conflict". What's your availability post Thanksgiving?

Kaitlyn Shimmin

Special Assistant Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

O: (202) 564-4108

C: **Ex. 6**

Shimmin.Kaitlyn@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Monday, October 30, 2017 11:36 AM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: Re: Meeting with EPA Nominee

I can't do it Wednesday now, unless it's first thing in the morning.

Sent from my iPhone

On Oct 30, 2017, at 10:23 AM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:

Good morning Alexander, Would Congressman Pallone have time Wednesday or Thursday of this week to meet with Mr. Wheeler? If not, can we please look at next week's availability? Thanks!

Kaitlyn Shimmin

Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
O: (202) 564-4108
C: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Shimmin, Kaitlyn
Sent: Monday, October 16, 2017 10:17 AM
To: 'alexander.gristina@mail.house.gov' <alexander.gristina@mail.house.gov>
Subject: Meeting with EPA Nominee

Hi Alexander,

I am reaching out in hopes of setting up a meeting this week with Congressman Pallone and Andrew Wheeler who has been nominated as Deputy Administrator for the EPA. Would he have any time on Wednesday 10/18 or Thursday 10/19?

Thanks,

Kaitlyn Shimmin
Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
O: (202) 564-4108
C: Ex. 6
Shimmin.Kaitlyn@epa.gov

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 1/25/2018 9:28:39 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: dates next week

Monday until 4:30
Tuesday afternoon
Wednesday anytime
Thursday 9-11; 2- on
Friday - anytime

Andrew R. Wheeler

Principal

andrew.wheeler@FaegreBD.com Download vCard

D: +1 202 312 7424 | **Ex. 6** | F: +1 202 312 7460

Faegre Baker Daniels Consulting

1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 2/6/2018 6:47:42 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: Andrew Wheeler Nomination Talking Points Document
Attachments: 2017-11-07_LOS to EPW_Wheeler Nomination.pdf; 2018.02.06 - DRAFT - Wheeler Nom Member Talking Points - TFCPTML.docx; 171107_Nomination_Wheeler_EPA_Senate EPW.pdf; 171108 - Portman letter to EPW re Andrew Wheeler.pdf; Rep Bill Johnson - Wheeler LOR.pdf; WheelerNomination_UMWA_8Nov2017.pdf

Hi Andrew,

Attached is our draft for the document on your career to give the Senators after your vote Wednesday, a why you should be immediately confirmed paper. Also, we have attached supporting documents from your hearing we will be using as well.

Please let us know your thoughts/edits on this.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Have a great day,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: **Ex. 6**
E: Palich.Christian@epa.gov

CORY GARDNER
COLORADO

Suite 900-204
SENATE RUSSELL OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-8941

United States Senate

COMMITTEES:
BUDGET
COMMERCE, SCIENCE,
AND TRANSPORTATION
ENERGY AND
NATURAL RESOURCES
FOREIGN RELATIONS

November 7, 2017

The Honorable John Barrasso
Chairman
Senate Committee on Environment
and Public Works
United States Senate
Washington, DC 20510

The Honorable Thomas R. Carper
Ranking Member
Senate Committee on Environment
and Public Works
United States Senate
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

I write today in support of Andrew Wheeler to be Deputy Administrator of the U.S. Environmental Protection Agency (EPA). During my time serving as a legislative staffer to former Senator Wayne Allard I came to know Andrew in his position as Staff Director and Chief Counsel to the Senate Committee on Environment and Public Works. In that position, he displayed a strong understanding and respect for the law while also working across the aisle whenever and wherever possible in a professional manner to achieve policy outcomes that benefitted all Americans.

He also took time to develop expertise amongst staffers both on and off the committee, helping build a knowledge base on important policy matters.

I'm confident that Andrew will take that same approach as Deputy Administrator of the EPA, where he will be responsible for overseeing the day-to-day operation and implementation of policies that are designed to both clean up contamination of the environment and return these areas to their communities to be put to a useful purpose, and protect the environment from further contamination. I also believe Andrew will build important state partnerships to advance mutual goals of bettering the environment.

As you consider this nomination, I believe you will come to a similar opinion of Andrew that I have of him and urge you to support his nomination out of committee.

Sincerely,



Cory Gardner
United States Senator

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

NEIL L. BRADLEY
SENIOR VICE PRESIDENT &
CHIEF POLICY OFFICER

1615 H STREET, NW
WASHINGTON, DC 20062
(202) 463-5310

November 7, 2017

The Honorable John Barrasso
Chairman
Committee on Environment and Public
Works
United States Senate
Washington, D.C. 20510

The Honorable Tom Carper
Ranking Member
Committee on Environment and Public
Works
United States Senate
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper:

The U.S. Chamber of Commerce supports the nomination of Andrew Wheeler to be Deputy Administrator for the U.S. Environmental Protection Agency ("EPA"). We look forward to the Senate Environment and Public Works Committee advancing his nomination to the full Senate for confirmation.

Mr. Wheeler's substantial public service experience makes him an excellent choice for leadership at the EPA. He began his career at the EPA, where he worked on toxic chemical, pollution prevention and right-to-know issues, and he was awarded the EPA Bronze Medal twice for his accomplishments.

Mr. Wheeler also has shown his ability to work with Congress, having previously served your committee as majority staff director, minority staff director, and chief counsel. In these roles, he worked on every major piece of environmental and energy-related legislation before Congress for over a decade.

The Chamber urges the committee to act swiftly on Mr. Wheeler's nomination.

Sincerely,



Neil Bradley

cc: Members of the Committee on Environment and Public Works

United States Senate

WASHINGTON, DC 20510

November 8, 2017

Senator John Barrasso
Chairman
Committee on Environment and Public
Works
410 Dirksen Senate Office Building
Washington, DC 20510

Senator Tom Carper
Ranking Member
Committee on Environment and Public
Works
456 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

I am writing to recommend Andrew Wheeler to be the Deputy Administrator of the Environmental Protection Agency (EPA). Andrew was nominated for this position by President Trump on October 5, 2017.

Andrew is a native of my home state of Ohio, and has experience in both the legislative and executive branches on energy and environment policy. He began his career at EPA and subsequently worked for Senator James Inhofe and my predecessor former Senator George Voinovich on the Senate Environment and Public Works Committee. Andrew served as the Majority Staff Director, Minority Staff Director and Chief Counsel of the Senate Environment and Public Works Committee.

Andrew has continued his work on energy and environment policy as a Principal at Faegre Baker Daniels Consulting. Andrew received his MBA from George Mason University School of Management and his JD from Washington University School of Law, and has been a keynote speaker before the American Bar Association.

I trust that this information will be useful to you as you review Andrew's nomination. Please feel free to follow up with me with any additional questions.

Sincerely,



Rob Portman
U.S. Senator

BILL JOHNSON
6TH DISTRICT, OHIO



WASHINGTON OFFICE
1710 Longworth House Office Building
Washington, DC 20515

(202) 225-5705

billjohnson.house.gov

COMMITTEE ON ENERGY AND COMMERCE

COMMITTEE ON THE BUDGET

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

November 6, 2017

Chairman John Barrasso
U.S. Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510-6175

Dear Chairman Barrasso,

I write in support of Andrew Wheeler's nomination to become the next Deputy Administrator of the Environmental Protection Agency (EPA).

Mr. Wheeler has served as an EPA staffer, and brings a wealth of experience working in environmental policy from several different perspectives. He earned the EPA Bronze Medal three times, as Staff Director and Chief Counsel for the U.S. Senate Committee on Environment and Public Works (EPW), and as a principal consultant helping businesses with federal regulatory and policy issues.

Since my election in 2010, my team and I have worked with Andrew on several different major policy issues, and I've found him to be knowledgeable, professional, and a tremendous resource on environmental and energy policy.

I am confident Mr. Wheeler will do a fine job at EPA, helping to ensure the agency's mission of protecting the environment is maintained, while also ensuring the EPA becomes a partner in progress in responsible energy exploration and job creation.

Sincerely,

Bill Johnson
Member of Congress

MARIETTA OFFICE

246 Front Street
Marietta, OH 45750

(740) 376-0868

SALEM OFFICE

192 East State Street
Salem, OH 44460

(330) 337-6951

CAMBRIDGE OFFICE

116 Southgate Parkway
Cambridge, OH 43725

(740) 432-2366

IRONTON OFFICE

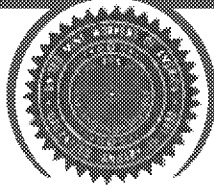
202 Park Avenue
Suite C
Ironton, OH 45638

(740) 534-9431

THIS STATIONERY PRINTED ON PAPER MADE OF RECYCLED FIBERS

United Mine Workers of America

CECIL E. ROBERTS
INTERNATIONAL PRESIDENT



TELEPHONE
(703) 291-2420
FAX (703) 291-2481

UNITED MINE WORKERS' HEADQUARTERS
18354 QUANTICO GATEWAY DRIVE, SUITE 200

Triangle, VA

22172-1778

November 8, 2017

The Honorable Tom Barrasso
Chair, Senate Committee on Environment and Public Works

The Honorable Tom Carper
Ranking Member, Senate Committee on Environment and Public Works

Dear Chairman Barrasso, Ranking Member Carper and Members of the Committee:

As you consider the nomination of Andrew R. Wheeler for Deputy Administrator of the Environmental Protection Agency, I ask that you take into consideration his hard work on behalf of America's active and retired coal mine workers. For the past five years, Mr. Wheeler has been an ally as the United Mine Workers of America has worked to preserve the health care and pensions that retired miners worked for over their lifetimes.

Andrew worked alongside our UMWA team to successfully pass legislation that has ensured that our miners will have the health care that was promised to them, and that they earned. As you are aware, this effort lasted years, and we faced major setbacks along the way. However, Andrew was a strong partner to us and we are very appreciative of that.

Andrew will bring a wealth of experience, from both the public and private sectors, to EPA. It is our belief that he will be a reasonable voice within the agency, and will recognize the impact on both the workers and mining communities that are directly affected as EPA develops future emissions regulations.

We look forward to working productively with Andrew in this role at EPA. I am available to discuss this further at your convenience.

Sincerely,

Handwritten signature of Cecil E. Roberts in black ink.
Cecil E. Roberts

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 2/12/2018 9:47:54 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
CC: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: RE: FYI on Jones

Thanks!

Andrew R. Wheeler

Principal

andrew.wheeler@faegrebd.com [Download vCard](#)

D: +1 202 312 7424 | **Ex. 6** | F: +1 202 312 7460

Faegre Baker Daniels Consulting

1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Monday, February 12, 2018 4:47 PM
To: Wheeler, Andrew R.
Cc: Shimmin, Kaitlyn
Subject: FW: FYI on Jones

FYI

From: Shimmin, Kaitlyn
Sent: Monday, February 12, 2018 4:22 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: FYI on Jones

Been hounding their office today. Scheduler said that they should have an answer for me tomorrow but they are trying to fit it in his schedule.

Kaitlyn Shimmin

Special Assistant Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

O: (202) 564-4108

C: **Ex. 6**
Shimmin.Kaitlyn@epa.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 3/19/2018 6:41:24 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: 3.20 Tester Meeting Briefing
Attachments: 3.20 Andrew Tester Meeting Briefing .pdf

Hi Andrew,

Deliberative Process / Ex. 5

If you have any questions please let me know!

Hope all is well and look forward to seeing you tomorrow,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: **Ex. 6**
E: Palich.Christian@epa.gov

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 4/12/2018 10:04:33 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: Re: Andrew Wheeler CONFIRMED by the US Senate as Deputy Administrator

Thanks and thank you for your help

Sent from my iPhone

On Apr 12, 2018, at 5:19 PM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:

Congratulations Andy!! We're all very excited for you!

Sent from my iPhone

On Apr 12, 2018, at 4:43 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Thank you team!! Can't wait to get over there!

Andrew R. Wheeler

Principal

andrew.wheeler@faegrebd.com Download vCard

D: +1 202 312 7424 | **Ex. 6** | F: +1 202 312 7460

Faegre Baker Daniels Consulting

1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Lyons, Troy [<mailto:lyons.troy@epa.gov>]

Sent: Thursday, April 12, 2018 4:30 PM

To: Ford, Hayley; Abboud, Michael; Baptist, Erik; Beach, Christopher; Beck, Nancy; Bennett, Tate; Block, Molly; Bodine, Susan; Bolen, Brittany; Bolen, Derrick; Bowman, Liz; Brown, Byron; Burke, Marcella; Chancellor, Erin; Cook, Steven; Cory, Preston (Katherine); Daniell, Kelsi; Darwin, Henry; Darwin, Veronica; Dominguez, Alexander; Dravis, Samantha; Falvo, Nicholas; Feeley, Drew (Robert); Ferguson, Lincoln; Forsgren, Lee; Fotouhi, David; Frye, Tony (Robert); Gordon, Stephen; Greaves, Holly; Greenwalt, Sarah; Gunasekara, Mandy; Hanson, Paige (Catherine); Harlow, David; Hewitt, James; Hupp, Millan; Jackson, Ryan; Kelly, Albert; Konkus, John; Kunding, Kelly; Leopold, Matt; Letendre, Daisy; Lovell, Will (William); McMurray, Forrest; Munoz, Charles; Palich, Christian; Ringel, Aaron; Rodrick, Christian; Ross, David P; Schwab, Justin; Seabaugh, Catherine; Shimmin, Kaitlyn; Traylor, Patrick; Wagner, Kenneth; Wehrum, Bill; White, Elizabeth; Wilcox, Jahan; Woods, Clint; Yamada, Richard (Yujiro)

Subject: Andrew Wheeler CONFIRMED by the US Senate as Deputy Administrator

Importance: High

By vote of 53-45

Dem Senators voting "YES": Manchin (WV) , Heitkamp (ND) ,
Donnelly (IN),

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 11/13/2017 8:20:13 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: QFR's
Attachments: ALL QFR's Wheeler 11.08.2017.docx; Wheeler QFR Formal Letter 11.08.17.pdf; 2017.11.09 - Proposed Responses to Anticipated Questions for the Recorddocx

Hi Andrew,

Attached are your QFR's from EPW Committee (only 76, not too bad!) and **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Best Regards,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: **Ex. 6**
E: Palich.Christian@epa.gov

Senate Committee on Environment and Public Works
Hearing entitled “Hearing on the Nominations of Kathleen Hartnett White to be Member of the Council on Environmental Quality and Andrew Wheeler to be Deputy Administrator of the Environmental Protection Agency.”

November 8, 2017

Questions for the Record for Mr. Andrew Wheeler

Ranking Member Carper:

Please provide a response to each question, *including each sub-part*.

1. For decades, both Republican and Democratic administrations alike have had written policies limiting White House contacts with agencies that have investigatory and enforcement responsibilities. These policies have recognized that even a simple phone call from the White House to an agency inquiring about or flagging a specific matter can upset the evenhanded application of the law. I recently learned that Devon Energy, a strong political supporter of Administrator Pruitt’s, informed the EPA just 5 days after Mr. Pruitt was sworn in as Administrator that it was no longer willing to install air pollution technology or pay a high penalty to EPA for its illegal air emissions of cancer-causing benzene and other chemicals. We also know that Trump family casinos, hotels and golf courses have been the subject of EPA enforcement actions for violations of the Clean Air Act and Clean Water Act.
 - a. Do you agree that it is essential that in making decisions, EPA must be shielded from political influence and spared even the appearance of being subject to political influence or considerations?
 - b. Will you commit to restricting communications between EPA and the White House staff regarding specific matters under the authority of EPA?
 - c. Will you commit to ensuring the staff of EPA is familiar with those restrictions?
 - d. Will you commit to advising this Committee within one week if any inappropriate communications from White House staff to EPA staff, including you, occur?

2. Recently, EPA conducted “anti-leaking” training for its employees¹. According to EPA sources, the briefing stated that “Prohibitions we will discuss do not refer to “Whistleblowing”. Agency employees have the right to make lawful disclosures to anyone, including, for example, management officials, the Inspector General, and/or the Office of Special Counsel. Employees may make disclosures to the EPA Office of the Inspector General through the EPA OIG Hotline at 888-546-8740.” This presentation evidently failed to note the rights of federal employees have to make disclosures to Congress.
5 U.S.C. § 7211, provides that: The right of employees, individually or collectively, to petition Congress or a Member of Congress or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied.

¹ https://www.washingtonpost.com/politics/whitehouse/federal-employees-are-ordered-to-attend-anti-leaking-classes/2017/09/21/032b40d6-9edd-11e7-b2a7-bc70b6f98089_story.html?utm_term=.a2bfc5e54d95

Pursuant to 5 U.S.C. § 2302(b)(8), it is a violation of federal law to retaliate against whistleblowers. That law states: Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority ... take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of. ... (A) any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences- (i) a violation of any law, rule, or regulation, or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences a violation of any law, rule, or regulation... " In addition, pursuant to 18 U.S.C. § 1505, it is against federal law to interfere with a Congressional inquiry: Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress.

- a. If you are confirmed, will you commit to protect the rights of all career employees in EPA to make lawful disclosures, including their right to speak with Congress?
 - b. Will you commit to communicate employees' whistleblower rights via email to all EPA employees within a week of being sworn in?
3. In the wake of Hurricane Irma, at least 11 deaths and numerous injuries have been reported in Florida due to accidental carbon monoxide poisoning from gasoline-powered portable generators.² One additional death has also been reported in North Carolina, along with other injuries throughout the Southeastern United States.³ Many of these deaths and injuries could have been prevented had stronger safety standards been in place for portable gasoline generators. In November 2016, the U.S. Consumer Product Safety Commission (CPSC), following years of work on the issue, voted to issue a Notice of Proposed Rulemaking (NPRM) to implement a mandatory safety standard for portable generators.⁴ Since then, Administrator Pruitt and Acting CPSC Chairman Buerkle have separately opined that section 213 of the Clean Air Act precludes CPSC action.
- a. Section 213 of the Clean Air Act is intended to regulate emissions from non-road engines or vehicles when the EPA determines that such emissions "are significant contributors to ozone or carbon monoxide concentrations in more than 1 area which has failed to attain the national ambient air quality standards for ozone or carbon monoxide." In your opinion, would the occasional indoor use of portable generators following a power outage be likely to be a significant contributor to ambient carbon monoxide concentrations in more than 1 area that has failed to

² <http://www.miamiherald.com/news/weather/hurricane/article174097351.html> <http://www.sun-sentinel.com/news/weather/hurricane/fl-carbon-monoxide-deaths-20170914-story.html>

³ <http://www.charlotteobserver.com/news/article173612361.html>

⁴ <https://www.federalregister.gov/documents/2016/11/21/2016-26962/safety-standard-for-portable-generators>

attain the national ambient air quality standards for carbon monoxide? Why or why not?

- b. There are currently no areas in the United States that have failed to attain the national ambient air quality standards for carbon monoxide, and this has been the case since 2010⁵. As a matter of law, could section 213 of the Clean Air Act be used to regulate carbon monoxide emissions due to the indoor use of portable generators if there are no areas in the United States that fail to attain the national ambient air quality standards for carbon monoxide? Why or why not?
4. Your ethics agreement states that you “for a period of one year after my resignation, I also will not participate personally and substantially in any particular matter involving specific parties in which I know the firm is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. 2635.502(d). In addition, I will not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. 2635.502(d).”
 - a. Please provide a list of all such particular matters involving specific parties that you will either need to recuse yourself from or seek authorization to participate in. For each such particular matter, please also indicate whether you plan to seek authorization to participate.
 - b. 5 C.F.R 2635.502(a) states that:

“where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee in accordance with paragraph (d) of this section.”

Do you agree that you or your firm’s representation of clients in particular matters that are before EPA would cause a reasonable person with knowledge of the relevant facts to question your impartiality if you are confirmed and continue to participate either in the particular matter itself or in an administrative action designed to accomplish the identical outcome the particular matter was intended to accomplish? Why or why not?

⁵ <https://www.epa.gov/green-book/green-book-carbon-monoxide-1971-area-information>

5. Do you intend to seek a waiver to participate in non-public meetings with your former clients or your firm's clients if you are confirmed? If so, please list which clients you intend to seek such waivers to meet with and explain why this would not cause a reasonable person with knowledge of the relevant facts to question your impartiality in the matter at hand.
6. On February 28, 2017, President Trump directed EPA and the Army Corps to review and possibly rescind or repeal the Clean Water Rule in Executive Order 13776. EPA recently ended the public comment process on the first step of a two-step process to repeal the rule and replace it with a rule that will protect far fewer sources of drinking water. Individuals with first-hand knowledge of the process EPA utilized to prepare its have informed my staff that:
 - i) When EPA first submitted the proposed repeal rule to OMB, the draft stated that the agency would undertake a new cost-benefit analysis as part of the second step of its process.
 - ii) OMB interpreted EPA's first proposal to mean that the rule's repeal would not avoid any costs to industry or have any economic impact at all. EPA's political staff then directed the career staff to undertake a new economic analysis. In response to this direction from OMB, EPA career staff reportedly changed the table included in the 2015 rule to a) reflect 2016 dollars instead of 2014 dollars, b) convert "annual costs incurred" under the Clean Water Rule to "annual costs avoided" due to its repeal and c) convert "annual benefits gained" under the Clean Water Rule to "annual benefits forgone" due to its repeal. This new table was sent to OMB on June 8, 2017.
 - iii) OMB correctly concluded from EPA's June 8 submittal that repealing the rule would cost more in lost benefits than it would save industry in compliance costs. On June 13, 2017, presumably to avoid such an admission on the part of EPA, EPA career staff were verbally directed by political staff to solve this 'problem' by simply deleting the majority of the benefits of the rule from the table and re-submitting it to OMB, which they did⁶.

The direction that was reportedly provided to the EPA career staff to make the various revisions to what was submitted to OMB was verbal, not written.

- a. If you are confirmed, do you commit to ensure that career staff at EPA will receive appropriately documented, rather than verbal, direction from political officials before they take action? If not, why not?
- b. You said in the hearing that it would be wrong to direct career staff to break the law. Assuming that the events described to my staff occurred as described (and understanding that you don't have any specific knowledge about these events), is it your view that this may have been an instance in which career staff were directed to break the law? Why or why not?

⁶ https://www.epa.gov/sites/production/files/2017-06/documents/economic_analysis_proposed_step1_rule.pdf See Table 1

7. Do you agree to provide complete, accurate and timely responses to requests for information submitted to you by any Member of the Environment and Public Works Committee? If not, why not?
8. Recently, EPA announced that Administrator Pruitt would be publishing brief summaries of his calendars biweekly, after dozens of Freedom of Information Act requests for this information as well as a March request by me and my colleagues that he do so. During the Obama Administration, the Administrator, regional Administrators and all those serving in confirmed roles published their calendars daily⁷. If you are confirmed, will you commit to publishing your calendars daily? If not, why not?
9. In a *per curiam* opinion, the U.S. Circuit Court of Appeals for the District of Columbia affirmed the Endangerment Finding and the U.S. Supreme Court declined to issue a writ of certiorari on the D.C. Circuit's decision. The Endangerment Finding set in motion EPA's legal obligations to set greenhouse gas emissions standards for mobile and stationary sources, including those established by the Clean Power Plan in August 2015.⁸ During an exchange with Senator Gillibrand during Administrator Pruitt's confirmation hearing before the Environment and Public Works Committee, he stated, "I believe that the EPA, because of the *Mass v. EPA* case and the endangerment finding, has obligations to address the CO2 [carbon dioxide] issue." Do you agree with Administrator Pruitt's statement? Why or why not?
10. In December 2007, President Bush's EPA proposed to declare greenhouse gases as a danger to public welfare through a draft Endangerment Finding, stating, "The Administrator proposes to find that the air pollution of elevated levels of greenhouse gas (GHG) concentrations may reasonably be anticipated to endanger public welfare... Carbon dioxide is the most important GHG (greenhouse gas) directly emitted by human activities, and is the most significant driver of climate change."⁹ Do you agree with these statements? Why or why not?
11. The Rule of Law Defense Fund is an affiliate of the Republican Attorneys General Association. Have you ever contributed any money or time to the Rule of Law Defense Fund? If so, please provide details.
12. In the *White Stallion Energy Center v. EPA, February 2012*, industry argued, "the record does not support EPA's findings that mercury, non-mercury HAP metals, and acid gas HAPs [hazardous air pollutants] pose public health hazards."¹⁰ Do you agree with this statement? Why or why not?

⁷ <https://yosemite.epa.gov/opa/admpress.nsf/Calendars?OpenView>

⁸ <https://www.epa.gov/climatechange/us-court-appeals-dc-circuit-upholds-epas-action-reduce-greenhouse-gases-under-clean>

⁹ https://insideclimatenews.org/sites/default/files/2007_Draft_Proposed_Endangerment_Finding.pdf

¹⁰ <https://www.cadc.uscourts.gov/internet/opinions.nsf/284AC47088C07D0985257C88004F0795/%24file/12-1100-1488346.pdf>

13. On April 17, 2012, Dr. Jerome Paulson, Chair, Council on Environmental Health, American Academy of Pediatrics, testified before the EPW Committee, stating, “Methyl mercury causes localized death of nerve cells and destruction of other cells in the developing brain of an infant or fetus. It interferes with the movement of brain cells and the eventual organization of the brain... The damage it [methylmercury] causes to an individual’s health and development is permanent and irreversible. ... There is no evidence demonstrating a “safe” level of mercury exposure, or a blood mercury concentration below which adverse effects on cognition are not seen. Minimizing mercury exposure is essential to optimal child health.”¹¹
- a. Do you agree with the American Academy of Pediatrics’ finding on the importance of minimizing mercury exposures for child health? If not, please cite the scientific studies that support your disagreement.
 - b. Do you agree the record supports EPA’s findings that mercury, non-mercury hazardous air pollutant metals, and acid gas hazardous air pollutants emitted from uncontrolled power plants pose public health hazards? If not, why not?
 - c. Do you agree it is currently difficult to monetize the reduced risk of human health and ecological benefits from reducing mercury emissions from power plants? If so, please explain. If not, why not? If these costs cannot be calculated, are the risks still real?
14. The US Supreme Court has expressly declined to consider whether EPA should have chosen some other mechanism “under section 112” in regulating power plant mercury and all the other HAPs emitted by the industry. What is your position on that precedent?
15. Do you agree that the EPA’s recent consideration of the costs of the Mercury and Air Toxics Standards Rule shows that the agency has met the "necessary and appropriate" criteria Congress provided under 112(n) to direct the EPA to regulate power plant mercury (and other air toxic) emissions under Section 112, and more specifically under Section 112(d)? If not, why not?
16. The Edison Electric Institute (EEI), the association that represents all U.S. investor-owned electric companies, has told my staff that, to its knowledge, all of its member companies have fully implemented the Mercury and Air Toxics Standards Rule. EPA staff has reported to my staff something similar. The Mercury and Air Toxics Standards Rule protects our children from harmful mercury and air toxics pollution; and by industry accounts is already being met with technology that is already bought, paid for and running on almost all our power plants.
- a. Do you dispute reports that nearly all covered facilities are already in compliance with the Mercury and Air Toxics Standards? If so, please explain.

¹¹ <https://www.epw.senate.gov/public/cache/files/4/3/4324fd62-dc89-4820-bd93-ff3714fcbe30/01AFD79733D77F24A71FCF9DAFCC8056.41712hearingwinesstestimonyjpaolson.pdf>

- b. According to a recent report by Bloomberg New Energy Finance Report and the Business Council for Sustainable Energy, “consumers now pay 3% less per kilowatt-hour for electricity than in 2007.”¹² This means the near universal compliance of the Mercury and Air Toxics Standards Rule has been achieved without significant impacts to electricity reliability or affordability, in fact electricity prices have gone down. Do you agree? If not, why not?
 - c. Even though industry has achieved near universal compliance with the Mercury and Air Toxics Standards and electricity prices have gone down, not up, Administrator Pruitt is currently reviewing whether it is “appropriate and necessary” to issue the standards in the first place. Do you agree that the EPA should be conducting this review, and if so, why?
 - d. If the EPA determines the agency has not met the “necessary and appropriate” criteria found in Section 112(n), and revokes the Mercury and Air Toxics Standards Rule, what does that mean for all the pollution control technology that has been bought, paid for and running on our power plants that is helping the industry be in full compliance of the rule?
17. Section 109 of the Clean Air Act is very clear. It requires EPA to review the NAAQS for six common air pollutants including ground-level ozone, particulate matter, sulfur dioxide, nitrogen dioxide every 5 years. The Clean Air Act requires EPA to set these standards that “are requisite to protect the public health,” with “an adequate margin of safety,” and secondary standard necessary to protect public welfare. Please respond to each sub-part below:
- a. If confirmed, will you continue to hold to the five-year National Ambient Air Quality Standards review time period that the Clean Air Act requires of the EPA?
 - b. Do you agree with Justice Scalia’s opinion in *Whitman v. American Trucking Associations* that it is “fairly clear that [the Clean Air Act] does not permit the EPA to consider costs in setting the standards”? If you do not agree, why not?
 - c. Do you agree that the Trump Administration’s November 6, 2017 announcement that “the Clean Air Act requires EPA to issue designations [for non-attainment areas] no later than 2 years after the agency sets a new National Ambient Air Quality Standard or revises an existing standard. The Administrator may extend this deadline up to 1 year, if there is insufficient information to designate areas by the 2-year deadline”¹³ is accurate? If not, why not?
 - d. Do you agree that the agency set a new National Ambient Air Quality Standard for ozone on October 1, 2015¹⁴, as was also stated in the Trump Administration’s November 6, 2017 announcement? If not, why not?
 - e. Do you agree that the November 6, 2017 announcement by the Trump

¹² <http://www.bcse.org/wp-content/uploads/2017-Sustainable-Energy-in-America-Factbook-Executive-Summary.pdf>

¹³ https://www.epa.gov/sites/production/files/2017-11/documents/fact_sheet_for_final_ozone_designations_round_1.pdf

¹⁴ <https://www.epa.gov/ozone-pollution/2015-revision-2008-ozone-national-ambient-air-quality-standards-naaqs-supporting>

Administration stated that “EPA is not extending the time provided under section 107 of the Clean Air Act [to designate non-attainment areas] but is not yet prepared to issue designations”?

- f. Do you agree that the Trump Administration has failed to comply with the Clean Air Act by failing to designate ozone non-attainment areas by October 1, 2017 while also choosing not to extend the deadline for such designations to be made?
 - g. If confirmed, will you commit to not further delay the implementation of the 2015 ozone NAAQS? If not, why not?
18. Do you agree with President Trump’s decision to withdraw the United States from the International Paris Climate Accord? If so, please explain.
19. In part of his justifications for withdrawing from the Paris Climate Agreement, President Trump stated the Paris Accord could, “cost America as much as 2.7 million lost jobs by 2025 according to the National Economic Research Associates (NERA).”¹⁵ This economic statistic and others linked to the NERA study were also distributed in White House materials as reasons the President was deciding to withdraw from the Paris Accord. Soon after the President’s speech, NERA stated, “In a set of talking points distributed by the White House in conjunction with its announcement of the US withdrawal from the Paris Agreement, the Trump Administration selectively used results from a NERA Economic Consulting study, “Impacts of Greenhouse Gas Regulations on the Industrial Sector.” ... Use of results from this analysis as estimates of the impact of the Paris Agreement alone mischaracterizes the purpose of NERA’s analysis, which was to explore the challenges of achieving reductions from US industrial sectors over a longer term. Selective use of results from a single implementation scenario and a single year compounds the mischaracterization.”¹⁶
- a. In light of the NERA statement, do you think the President misspoke when he wrongly cited information from the NERA study in his Paris speech? If not, why not?
 - b. If confirmed, will you commit that you will not distort the NERA study – or any other economic study - to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?
 - c. After the President’s Paris Climate Accord speech, MIT’s Joint Program on the Science and Policy of Global Change issued a statement stating the President’s characterization of their analysis of the Paris Accord to be misleading.¹⁷ If confirmed, will you commit that you will not distort the climate science studies to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?

¹⁵ <https://www.whitehouse.gov/the-press-office/2017/05/01/statement-president-trump-paris-climate-accord>

¹⁶ <http://www.nera.com/news-events/press-releases/2017/nera-economic-consultings-study-of-us-emissions-reduction-polic.html>

¹⁷ <http://news.mit.edu/2017/mit-issues-statement-research-paris-agreement-0602>

20. As you may know, American Indians and Alaska Natives share a unique relationship with the federal government. As part of that relationship, the federal government has a duty to perform meaningful consultation with Indian Tribes and Alaska Native villages regarding issues that affect tribal communities and tribal members. Do you commit to engage in essential and honest consultation with tribes and tribal governments?
21. An article¹⁸ about the President's decision to leave the Paris Climate Agreement in Inside Climate News stated that "Other hardliners include Murray Energy's chief executive Robert Murray and his coal company's lobbyist, Andrew Wheeler, who helped enlist Pruitt to talk to the National Mining Association before it joined the rejection lobby." Is this excerpt accurate? If so, please describe the manner in which you helped "enlist Pruitt to talk to the National Mining Association" and provide any documents you prepared or received that are related to this effort. If not, please describe the inaccuracies.
22. Please provide me with a copy of the following presentations that are listed in the materials you sent the Committee:
- a. How to Conduct Congressional Oversight (2017)
 - b. Preparing for the New Administration (2017)
 - c. The Air Up There: Developments and Opportunities for Clean Air, Coal, Energy and Climate (2016)
 - d. Preparing for the Change in Administration (2016)
 - e. Focusing on What Really Should be Debated: The Cases of Boiler MACT, Utility MACT and CSPAR (2012)
 - f. The Waxman-Markey American Clean Energy and Security Act: Cap-and-Trade (2009)
23. Earlier this year, the fiscal year 2018 budget proposal¹⁹ submitted to Congress sought to eliminate the \$20 million in funding the EPA provides for the Justice Department's Environment and Natural Resources Division. EPA has historically provided about 27 percent of that office's budget. Do you support such a reduction in funding? Please provide your reasoning and any information you have supporting your answer.
24. Since 1987, how much funding has been provided to ENRD by EPA? How much money has DOJ secured through fines, penalties, and commitments to remediate contamination and pollution during this same time period?
25. In September, the EPA Inspector General issued a report titled "EPA's Distribution of Superfund Human Resources Does Not Support Current Regional Workload." It concluded, among other things, that one of the impediments to progress in cleaning up

¹⁸ <https://insideclimatenews.org/news/05052017/paris-agreement-climate-change-donald-trump-jared-kushner-steve-bannon-clean-power-plan>

¹⁹ <https://www.documentcloud.org/documents/4061910-EPA-Superfund-reimbursements-to-DOJ-documents.html#document/p7/a378119>

Superfund sites is lack of adequate EPA staff. Do you agree with and accept the conclusions of the IG in this regard? If not, why not?

26. The Administration's budget request proposes to reduce the size of EPA's workforce by approximately 3000 Full Time Employees (FTEs) in FY 2018, including just under 600 FTEs in the Superfund program. Administrator Pruitt has stated that he would like to greatly accelerate the cleanup of hazardous waste sites, in particular Superfund sites. Do you believe that reducing the Superfund workforce by 23 percent will accelerate or reduce the pace of cleanups at Superfund sites across the country?
27. This country just suffered three unusually intense hurricanes in quick succession – including one in your home state of Texas and one that has left the majority of Puerto Rico without electricity and water for weeks. Over 137 wildfires have raged in the West, costing hundreds of billions of dollars in damages and dozens of lost lives. Two weeks ago, the Trump White House released a final (ie, not draft, as was inaccurately asserted at the hearing) report²⁰ that concluded that, quote, “it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century.” The report also documented increases in sea levels, heatwaves, wildfires, and flooding, and said that, quote, “Changes in the characteristics of extreme events are particularly important for human safety.”
- a. Do you accept the evidence that carbon dioxide pollution is causing the earth to warm, that human activity is responsible for that warming, and that with increased warming comes an increased frequency and intensity of extreme flooding, hurricanes and wildfires? If not, please fully document the basis for such rejection.
 - b. Do you agree with the report's conclusion that “it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century?” If not, please fully document the basis for your disagreement.
 - c. Do you agree with the report's documentation that demonstrated increases in sea levels, heatwaves, wildfires, and flooding? If not, please fully document the basis for your disagreement.
28. The CO2 Coalition²¹ is a group that promotes misinformation about climate science. In February of this year, Ms. White spoke on a panel hosted by the CO2 Coalition. There she described the CO2 Coalition as, a “very, very meaningful source [of information],” and said that she is “very hopeful because of organizations like the CO2 Coalition.” The group also produces 30 second cartoons extolling the virtues of increased levels of CO2

²⁰ <https://science2017.globalchange.gov/>

²¹ <http://co2coalition.org/>

in the atmosphere²². Do you agree with Ms. White's statements, and do you agree that the CO2 Coalition is a meaningful source of information on climate change? If not, why not?

29. Can you name one Clean Air Act regulation that was promulgated by the Obama Administration – not a voluntary or grant program – that you do support, and why?

30. Are there any other EPA regulations – not a voluntary or grant program - that are on the books today that you support? If so, which ones?

Senator Gillibrand:

31. Cleaning up Superfund sites is a core function of the EPA. However, the Trump Administration proposed cutting the Superfund budget by 30 percent in this year's budget. If enacted, those cuts would imperil the ability of the EPA to clean up the most hazardous contamination in New York and across the country. The longer it takes to clean up Superfund projects, the longer the health of children and families who live near these toxic sites are put at risk. This is immoral, and an abdication of the EPA's responsibility to protect public health. Do you support the cuts to the Superfund program that were in President Trump's budget request?

Senator Inhofe:

32. In 2016, President Obama signed a bi-partisan provision of the WIIN Act allowing states to develop risk-based programs to manage coal ash from power plants. Unfortunately, before the WIIN Act became law, EPA had issued self-implementing coal ash regulations under the RCRA program. Accordingly, the existing EPA regulations do not contain the flexibility and protections established by the WIIN Act. Many groups -- including electric co-ops and public power -- have repeatedly asked EPA to harmonize its existing regulations with the WIIN Act. There is increasing urgency for EPA to act now to allow states the ability regulate coal ash. It is the desire of the states that regulate electric power generating plants to exercise their rights under the WIIN Act. If confirmed, will you pledge to work with me to address this issue?

Senator Merkley:

33. In a recent public disclosure of Administrator Pruitt's calendar of meetings, less than 3% of his meetings were with public health and environmental advocacy organizations, whereas over 25% of his meetings were with industry representatives. Do you believe this reflects fair and balanced input from public health and environmental advocacy organizations?

²² <https://youtu.be/5Oapr4fopul>

34. In the final version of the Fourth National Climate Assessment Report (Volume 1) (found here: <https://science2017.globalchange.gov/downloads/>), scientists from EPA and 12 other agencies find that “Global annual average temperature has increased by more than 1.2°F (0.7°C) for the period 1986– 2016 relative to 1901–1960.” (Figure ES.1)
- a. Do you agree with this finding?
 - b. If you do not agree with this finding, please explain why, and please provide at least one peer reviewed study supporting your stated position.
35. In the hearing you said, “I believe that man has an impact on the planet. What’s not completely understood is what the impact is.” Yet the Fourth National Climate Assessment finds that “human activities are the primary driver of recent global temperature rise” (Figure ES. 2).
- a. Do you agree with this finding?
 - b. If you do not agree with this finding, please explain why, and please provide at least one peer reviewed study supporting your stated position.
36. You told me in our conversation that when it comes to scientific matter, you would defer to career staff and independent scientists. However, recently the EPA banned scientists who have received EPA funding from sitting on the agency’s science advisory boards. As a result, many independent scientists were dismissed before they even completed their terms. EPA has not raised similar concerns about potential conflicts of interest for scientists who work for industries that EPA regulates. At the same time, EPA is replacing these scientists with people from the very industries that the EPA is support to regulate.
- a. Do you agree that EPA should bar scientists from serving on its advisory boards simply because they have received funding through EPA grants?
 - b. Do you think it is acceptable for someone who receives money from Exxon-Mobil or even from a foreign government to serve but not someone who receives a grant from the agency itself?
 - c. How is EPA supposed to carry out its mission to protect human health and the environment when it receives scientific advices from the industries that the agency is supposed to regulate?
37. As a lobbyist for Murray Energy, you were present for the preliminary discussions that led to the crafting of the Department of Energy’s cost recovery proposal for coal and nuclear plants. You also viewed a three-page memo drafted by Murray to the White House to revive the domestic coal sector. Additionally, you admitted to attending two meetings with DOE and the House Energy and Commerce committee staffers. As the EPA Deputy Administrator, you would be in charge of regulating companies like Murray Energy, one of your former clients. Moving forward, how will you guarantee that the EPA will act in the best interests of the American people rather than in the interests of your former clients?

Senator Sanders:

Climate Change

38. President Trump has suggested in the past that climate change is a hoax. Is the President correct? Is climate change a hoax?
39. Do you agree with the vast majority of scientists that climate change is real, it is caused by human activity, and that we must aggressively transition away from fossil fuels and toward energy efficiency and sustainable energy like wind, solar, and geothermal?
40. Do you agree with the vast majority of scientists that the combustion of fossil fuels contributes to climate change?
41. This past year, we have seen unprecedented devastation from hurricanes Harvey, Irma and Maria plus dozens of wildfires that have ravaged the West.
 - a. Do you believe, as the scientific community does, that climate change contributes to the frequency and devastation of these natural disasters?
 - b. Congress has already appropriated \$51.8 billion to address these disasters, and we intend to continue to work to rebuild communities devastated by the impacts of these disasters. A recent study published in the journal *Science* found that for every degree Celsius the planet warms, there is a loss of roughly 1.2% GDP in the United States. Do you believe that addressing climate change is good economics?

Fossil Fuels

42. In your view, how important is it for the United States to reduce our reliance on fossil fuels?
43. You previously worked at Murray Energy Corporation, a privately-owned coal company. Do you believe the federal government needs to invest more in polluting, finite fossil fuel resources like coal?
44. EPA is tasked with ensuring the health and safety of working people, their families, and the communities in which they live. If confirmed, will you commit to refusing undue influence from special interests and instead fight to protect the environment?

Energy Future

45. In your view, what is the role of renewable energy in our energy future?
46. If confirmed, how will you work to support renewable energy like wind, solar, and geothermal?

47. In your view, what should the United States' energy infrastructure look like at the end of this century? Specifically, what should be our main sources of energy?

Past Career/Conflicts of Interest

48. In the past, you worked for Murray Energy Corporation, which brought suit against the EPA for its enforcement of the clean air and water protections. Can you explain why federal courts should be in the position of determining safe levels of air pollution to protect the health and welfare of Vermonters, as opposed to the federal Agency whose mission it is to protect human and environmental health?

49. Your former clients include Whirlpool Corporation, Bear Head LNG Corporation, Celanese Corporation, Coalition For Domestic Medical Isotope Supply, Darling International, Domestic Fuel Solutions Group, Enterprises Swanco LLC, ICOR International, Insurance Auto Auctions, Inc, KAR Holdings, Murray Energy, Nuclear Energy Institute, Sargento Foods Inc, South Coast Air Quality Management District, and Underwriters Laboratories. If confirmed as Deputy Administrator of the EPA, would you have any conflicts of interest with these companies, or any other companies you represented during your time as a lobbyist? If so, will you commit to recuse yourself for the full course of any matter in which any of your former clients is a party? If not, why not?

50. Murray Energy Corporation paid millions in fines and penalties for contaminating waterways in Ohio, West Virginia and Pennsylvania with coal slurry and discharge during your tenure.

- a. Were you aware this type of environmental contamination was occurring? If you were aware, what actions did you take to address this water contamination? If you were aware of the contamination and did not act, why not? If you were not aware, why not? Do you think it is acceptable for a senior corporate official to lack knowledge of their company's pollution?
- b. Do you believe this type of environmental contamination endangers the health and wellbeing of American citizens?
- c. If confirmed, how will you ensure corporate environmental polluters like Murray Energy Corporation are held accountable?

51. In 2015, Federal regulators accused Murray Energy of attempting to silence whistleblowers and said that "Murray Energy chided 3,500 workers for making too many confidential safety complaints to regulators and -- at one of the mines -- threatened to retaliate by closing down operations."

- a. If confirmed, how will you work to prevent retaliation against whistle blowers who help the federal government enforce the nation's environmental laws?

- b. Were you aware of this behavior? If you were aware, what did you do to ensure Murray complied with environmental laws and took whistleblower complaints seriously? If you were not aware, how will you ensure EPA employee's concerns are taken seriously, if confirmed?
52. You criticized the Paris Climate Agreement, calling it a “sweetheart deal” for China that gave the United States’ competitor a manufacturing edge. China is still in the deal, and their climate policies are rapidly outpacing ours. China is moving away from dirty fossil fuels at a rate much quicker than the United States, and they are on track to more than double their renewable energy infrastructure and get a fifth of their energy from non-fossil fuel sources by 2030.
- a. If both countries remain on their current paths, China will soon replace us as the world’s technological and economic leader in the fields of climate science and energy generation. Do you believe we should continue to allow China to out-compete us in these areas?
 - b. Should the U.S. be concerned that China is rapidly outpacing us in these areas? Do you recognize that China’s leadership in these fields represents a threat to our economy and national security?
 - c. The Carnegie Mellon Institute estimates that air pollution from energy production caused at least \$131 billion in damages in the U.S. alone. Do you think this financial drain threatens our ability to compete with countries like China on the international scale?

Science

53. If confirmed, do you commit to relying on independent scientists with relevant expertise to evaluate and review the data that the EPA uses when making decisions related to the implementation of environmental regulations?

Most Pressing Challenges

54. In your opinion, what are the most pressing environmental challenges that deserve the attention of the EPA? If confirmed, what will you do at the EPA to better address these challenges?

Environmental Regulations

55. If confirmed, do you commit to upholding the goal of the Clean Air Act, which according to the EPA website is “to address the public health and welfare risks posed by certain widespread air pollutants”?
56. Do you support EPA Administrator Pruitt’s decision to rescind the Clean Power Plan?

57. According to the EPA, the Clean Power Plan will lead to climate and health benefits “worth an estimated \$55 billion to \$93 billion in 2030, including avoiding 2,700 to 6,600 premature deaths and 140,000 to 150,000 asthma attacks in children.”

- a. Do you agree with the EPA’s findings? If you do agree or are unfamiliar with these data, do you agree that, if the EPA’s estimations are correct, we have a moral imperative to maintain the Clean Power Plan and protect the thousands of people that it positively impacts? If you do not agree with the EPA’s findings, on which data or scientific studies do you base your opinion?
- b. If confirmed, what will you tell the parents who have children with asthma that will be adversely impacted by Administrator Pruitt’s decision to rescind the Clean Power Plan?

58. Oil and natural gas extraction by way of hydraulic fracturing, or “fracking,” has expanded rapidly in the United States. The EPA conducted a study of the drinking water impacts and released a final report in December 2016. The Agency found “hydraulic fracturing activities can impact drinking water resources under some circumstances.”

- a. Do you concur with the conclusions of the EPA’s final report on fracking and drinking water?
- b. What further studies—if any—do you believe would be appropriate for the EPA to conduct on the effects of fracking on water quality?
- c. If confirmed, would you support implementing a requirement to provide full, well-specific public disclosure of all information related to oil and gas development involving fracking’s possible impacts on groundwater, surface water, public health and safety, and habitat potential impacts?

59. Data shows that mercury pollution in the North Atlantic and mercury concentrations in our fisheries have fallen dramatically since the United States started requiring stronger emission controls from coal power plants.

Given this scientific confirmation of the positive effects of these regulations, what will you do, if confirmed, to continue to accelerate the clean-up of all sources of mercury emissions, including from coal power plants?

60. Changes in weather patterns, such as heavier precipitation events that increase run-off and flooding, are affecting lakes, rivers, and reservoirs nationwide. Water quality, quantity, and the integrity of our water infrastructure are at risk. Recent studies in the Northeast have found that degraded water quality on lakes can cost lakeside communities millions of dollars in losses from both tourism and taxable income due to reduced property values. If confirmed, how will you work as Deputy Administrator to support water resource management programs that address these issues?

Environmental Justice

61. How do you define “environmental justice”?
62. Do you think environmental justice is a serious issue that the EPA should address?
63. If confirmed, will you commit to addressing the growing environmental and economic justice issues associated with exposure to environmental pollution?
64. Latino children are twice as likely as non-Latino white children to die from asthma while, from 2012-2014, African American children had a death rate ten times that of non-Latino white children. African American children are three times as likely to suffer an asthma attack.

As Deputy Administrator, how will you work to protect vulnerable low-income communities and communities of color from the harmful impacts of air pollution?

65. Describe how you will, if confirmed, ensure that EPA’s Environmental Justice 2020 plan is fully implemented.
66. If confirmed, do you commit to meeting with community members and leaders who have concerns about environmental or health issues within the EPA’s jurisdiction?
67. If confirmed, what steps will you take as Deputy Administrator to ensure that the EPA and other federal agencies are complying with Executive Order 12989 on Environmental Justice?
68. If confirmed, will you commit to addressing issues of environmental justice in Native American communities and offer a voice to those most affected by the environmental consequences of industrialization, especially in regard to resources protected by treaties?

Vermont

69. Lake Champlain is one of Vermont’s most treasured environmental features. Tourism and property values are tied to the health of the lake—keeping its waters swimmable, fishable and drinkable is important to Vermonters. Run-off – including from farmlands, lawns, and paved roads and point source pollution – contributes to high levels of phosphorus that spur algae growth. The algae turns the lake green and can be toxic. In 2016, the EPA released new phosphorus limits for the lake by establishing a Total Maximum Daily Load (TMDL).
 - a. If confirmed, do you commit to continuing the Agency’s support for the clean-up of Lake Champlain through this new TMDL and federal funding?
 - b. Will you, if confirmed, support increased funding and support from the EPA to crack down on pollution? If not, how will you ensure Clean Water Act obligations are satisfied?

Senator Sullivan:

Permitting:

70. The EPA has jurisdiction over permitting for discharges of effluent into water and emissions into the air. They also administer registration and use safety testing for chemicals in commerce as well as tracking disposal of waste cradle to grave to sanitary landfills as opposed to open dumps. Permits and authorizations pursuant to these authorities add time and regulatory requirements to business and infrastructure project. A key concern in recent years has been the increasing amount of delays to do extended permitting application reviews and environmental challenges to issued permits. EPA must find ways to more efficiently permit projects in a manner that can survive legal scrutiny and provide greater certainty to project proponents and citizens.

- a. Will you work as Deputy Administrator to modernize EPA's permitting reviews while maintaining adequate environmental protections?
- b. Will you work with other agencies to ensure interagency coordination is done in a timely manner?
- c. How can the EPA, ensure that it makes timely decisions while limiting environmental impacts from a permitted discharge?

ANCSA Contaminated Lands

71. In 1971, Congress enacted the Alaska Native Claims Settlement Act to settle aboriginal land claims. Earlier this year this Committee held a hearing regarding the legacy of federal contaminated lands and the challenge we face in cleaning them up. One of the witnesses at that hearing testified about the particular challenges in addressing contaminated lands that were conveyed under ANCSA to Alaska native corporations and villages. These are lands the government gave to these Native Alaskans as a settlement that were in fact contaminated before the native corporations and villages took possession. 46 years later, the majority of those contaminated sites have not been remediated and, under current law, Alaska Native entities that received those lands can be liable under for costs associated with cleaning up those lands.

- a. Do you recognized that these issues are fundamental problem for the Alaska Native community?
- b. Can you commit to work to address and prioritize cleanup of ANCSA contaminated lands within the EPA and coordinating/communicating with other federal agencies including The Army Corps and Department of the Interior?

Senator Whitehouse:

72. You agreed in your ethics agreement that if confirmed you will sign the Trump ethics pledge. The pledge prohibits appointees from “participat[ing] in any particular matter involving specific parties that is directly and substantially related to [their] former employer or former clients” for the first two years after their appointment. The pledge also prohibits you from participating in any particular matter, and more broadly the issue area in which that particular matter falls, on which you lobbied within the two years before your appointment.
- a. Do you commit to abide by the pledge and not seek a waiver to participate in matters that you would otherwise be recused from?
 - b. You’ve worked against EPA during your time at Faegre Baker Daniels LLP. To ensure compliance with the pledge, please provide all of Faegre Baker Daniels LLP clients and cases or work from the past two years, noting all clients with whom you’ve worked, cases on which you’ve worked, and regulatory work you’ve done?
 - c. Will you also recuse yourself from matters that your client Bob Murray included on his three-page environmental agenda?
73. Energy Secretary Rick Perry directed FERC to initiate a rulemaking that would effectively subsidize the coal industry in the name of ensuring grid reliability. The proposal has been criticized by environmental groups, natural gas companies, solar and wind companies, former Republican FERC commissioners, the American Petroleum Institute, and even the regional grid operators. And research by the Center for American Progress outline that ratepayers would be on the hook for this bailout.
- a. At your confirmation hearing, you acknowledged that you knew about this proposal in your role as a Murray Energy lobbyist. What exactly was your involvement in the development of this proposal?
 - b. If the proposal comes before EPA in any manner, will you recuse yourself from any role or involvement on it?
 - c. In your opinion, how would Perry’s proposal, if approved by FERC, benefit Murray’s coal mining assets?
74. EPA Administrator Pruitt recently told CNBC that “I would not agree that [carbon dioxide is] a primary contributor to the global warming that we see.” Do you agree with his statement?
75. Have you reviewed EPA’s endangerment finding for carbon dioxide? If not, will you commit to reviewing it before the Committee votes on your nomination?
76. Do you agree with each of the following statements included in the U.S. Global Change Research Program’s recent Climate Science Special Report?
- a. “Human-caused climate change has made a substantial contribution to [sea level rise] since 1900, contributing to a rate of rise that is greater than during any preceding century in at least 2,800 years.” (page 10)

- b. “The magnitude of climate change beyond the next few decades will depend primarily on the amount of greenhouse gases (especially carbon dioxide) emitted globally.” (page 11)
- c. “There is broad consensus that the further and faster the Earth system is pushed towards warming, the greater the risk of unanticipated changes and impacts, some of which are potentially large and irreversible.” (page 11)
- d. “The world’s oceans are currently absorbing more than a quarter of the CO₂ emitted to the atmosphere annually from human activities, making them more acidic (*very high confidence*), with potential detrimental impacts to marine ecosystems.” (page 28)
- e. “The rate of acidification is unparalleled in at least the past 66 million years.” (page 28)
- f. “This assessment concludes, based on extensive evidence, that it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century. For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence.” (page 10)
- g. “Human activities are now the dominant cause of the observed trends in climate.” (page 36)
- h. “[T]here are no suggested factors, even speculative ones that can explain the timing or magnitude and that would somehow cancel out the role of human factors.” (page 37)

JOHN BARRASSO, WYOMING, CHAIRMAN

JAMES M. INHOFE, OKLAHOMA
SHIRLEY MOORE CAPITO, WEST VIRGINIA
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JOHN HIRSH, KANSAS
DAN SULLIVAN, ALASKA
RICHARD SHELBY, ALABAMA

THOMAS R. CARPER, DELAWARE
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TAMMY DUCKWORTH, ILLINOIS
RAMALA HARRIS, CALIFORNIA

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6176

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR
GABRIELLE BATKIN, MINORITY STAFF DIRECTOR

November 13, 2017

Andrew R. Wheeler
Principal, Faegre Baker Daniels LLC
1050 K Street NW Suite 400
Washington, D.C. 20001


Dear Mr. Andrew R. Wheeler:

On behalf of the Senate Committee on Environment and Public Works, we would like to thank you for testifying before the Committee on Wednesday, November 8, 2017, at the hearing entitled, "*Hearing on the Nominations of Kathleen Hartnett White to be Member of the Council on Environmental Quality and Andrew Wheeler to be Deputy Administrator of the Environmental Protection Agency.*" The Committee greatly appreciates your attendance and participation in this hearing.

In order to maximize the opportunity for communication between you and the Committee, follow-up questions have been submitted by the members. To comply with Committee rules, please e-mail a copy of your responses to Elizabeth_Olsen@epw.senate.gov or deliver one hard copy by 12:00p.m. Monday, November 20, 2017. Responses should be delivered to the EPW Committee at 410 Dirksen Senate Office Building, Washington, DC 20510.

If you have any questions about the requests or the hearing, please feel free to contact Staff Director, Richard Russell in the Majority Office at (202) 224-6176 or Staff Director, Gabrielle Batkin in the Minority Office at (202) 224-8832.

Sincerely,



John Barrasso, M.D.
Chairman



Thomas R. Carper
Ranking Member

Message

From: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Sent: 11/2/2017 2:31:19 PM
To: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: RE: Association of Air Pollution Control Agencies

Thanks for setting it up.

Andrew R. Wheeler

Principal

andrew.wheeler@faegrebd.com [Download vCard](#)

D: +1 202 312 7424 | **Ex. 6** | F: +1 202 312 7460

Faegre Baker Daniels Consulting

1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]

Sent: Thursday, November 02, 2017 10:06 AM

To: Wheeler, Andrew R.

Subject: Association of Air Pollution Control Agencies

You're a rock star! Thanks for doing that I will follow up on getting the letter over to EPW. Here is the contact info for the folks you spoke with in case you'd like it for your rolodex.

Stuart Spencer

President

Arkansas Department of Environmental Quality

(501) 683-0873

Clint Woods

859.244.8040

cwoods@csg.org

Executive Director

Association of Air Pollution Control Agencies

1776 Avenue of the States

Lexington, KY 40511

Kaitlyn Shimmin

Special Assistant Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

O: (202) 564-4108

C: **Ex. 6**

Shimmin.Kaitlyn@epa.gov

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 10/4/2017 8:17:19 PM
To: Andrew.Wheeler@FaegreBD.com
CC: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: EPW Questionnaire
Attachments: EPW Cmte Questionnaire 115th Congress.doc

Hi Andrew,

See attached EPW Questionnaire, **Deliberative Process / Ex. 5**

Thanks!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
*C: **Ex. 6***
E: Palich.Christian@epa.gov

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS

ROOM 410 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, DC 20510

INFORMATION

REQUESTED OF PRESIDENTIAL
NOMINEES

In order to assist the Committee in its consideration of nominations, each nominee is requested to complete the attached Statement for completion by Presidential Nominees. The Statement is intended to be publicly available. In the event that a nominee asks that a specific answer be kept confidential, he or she should notify the Chairman and Ranking Member.

The original and forty (40) copies of the requested information should be made available to the Honorable John Barrasso, Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC 20510 (Attn: Matt Leggett) as soon as possible.

Name of Nominee:

Position to which nominated:

Date of Nomination:

Business Name:

Business Address:

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

City, State & Zip:

Business E-mail:

Business Phone:

Full Legal Name:

Date of birth:

State of residency:

Education:

Institution	Dates Attended	Degrees Received	Dates of Degrees

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Employment Record

List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances. Attach additional pages if necessary.

Position Title	Employer	Address	Dates	Terminated (Y/N)

Honors and Awards:

List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognition for outstanding service or achievement. Attach additional pages if necessary.

Date	Honor/Award

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Memberships:

List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations. Attach additional pages if necessary.

Organization	Office held (if any)	Dates

Qualifications:

State fully your qualifications to serve in the position to which you have been nominated.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

___ Yes.

___ No. If not, please explain:

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

____ Yes. If so, please explain:

____ No.

3. Has anybody made a commitment to you for a job after you leave government?

____ Yes. If so, please explain:

____ No.

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

____ Yes.

____ No.

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

____ Yes. If so, please explain:

____ No

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Financial Statement:

Note: The Office of Government Ethics will provide the Committee with a copy of your Executive Personnel Financial Disclosure Report (SF-278).

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF-278, Schedule A.

2. Are any assets pledged?

Yes. If so, please explain:

No

3. Are you currently a party to any legal action?

Yes. If so, please explain:

No

4. Have you filed a Federal income tax return for each of the last 10 years?
If not, please explain the circumstances.

Yes

No. If not, please explain:

5. Has the Internal Revenue Service ever audited your Federal tax return?

Yes. If so, what resulted from the audit?

No

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Potential conflicts of interest:

1. Describe any financial or deferred compensation agreements or other continuing of interest: dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Political affiliation and activities:

List all memberships and offices held in, or financial contributions (in excess of \$1,000), and services rendered to any political party or election committee during the last 10 years.

Membership/Office/Political Party	Dates	Amount (if applicable)

Published writings:

List the titles, publishers and dates of any books, articles, or reports you have written.
(Please list first any publications and/or speeches that involve environmental or related matters.)

Additional Matters:

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

2. Do you agree to appear before all Congressional Committees which seek your testimony?

_____ Yes

_____ No. If not, please explain:

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

Yes. If so, please explain:

No

AFFIDAVIT

_____) **ss**, being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

Subscribed and sworn before me this _____ day of _____, 20 .

Notary Public

Message

From: Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]
Sent: 10/4/2017 12:25:06 AM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]
Subject: Re: Wheeler quote

Nice.

Ryan Jackson
Chief of Staff
U.S. EPA

Ex. 6

On Oct 3, 2017, at 8:22 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Deliberative Process / Ex. 5

From: Clarine Nardi Riddle <CNRiddle@kasowitz.com>
Date: October 3, 2017 at 5:59:35 PM EDT
To: "Wheeler, Andrew R." <Andrew.Wheeler@FaegreBD.com>
Subject: RE: Hope all is well

Deliberative Process / Ex. 5

OK?

From: Wheeler, Andrew R. [<mailto:Andrew.Wheeler@FaegreBD.com>]
Sent: Tuesday, October 3, 2017 4:03 PM
To: Clarine Nardi Riddle <CNRiddle@kasowitz.com>
Subject: RE: Hope all is well

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal

andrew.wheeler@FaegreBD.com Download vCard
D: +1 202 312 7424 | **Ex. 6** | F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

From: Clarine Nardi Riddle [mailto:CNRiddle@kasowitz.com]
Sent: Tuesday, October 03, 2017 4:01 PM
To: Wheeler, Andrew R.
Subject: RE: Hope all is well

Deliberative Process / Ex. 5

Clarine Nardi Riddle
Kasowitz Benson Torres LLP
1399 New York Avenue, NW
Suite 201
Washington, DC 20005
Tel. (202) 760-3402
Fax. (202) 379-9785
CNRiddle@kasowitz.com

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From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Tuesday, October 3, 2017 3:54 PM
To: Clarine Nardi Riddle <CNRiddle@kasowitz.com>
Subject: Hope all is well

External Email

Deliberative Process / Ex. 5

Andrew R. Wheeler
Principal

andrew.wheeler@faegrebd.com Download vCard
D: +1 202 312 7424 [Ex. 6] F: +1 202 312 7460

Faegre Baker Daniels Consulting
1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 10/30/2017 10:36:49 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Deliberative Process / Ex. 5 Briefs
Attachments: Deliberative Process / Ex. 5

Hi Andrew, here are Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Kaitlyn Shimmin

Special Assistant Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

O: (202) 564-4108

C: Ex. 6

Shimmin.Kaitlyn@epa.gov

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 10/30/2017 5:59:23 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: I'm in Lobby of west building

Got it I'll come find you

Sent from my iPhone

> On Oct 30, 2017, at 1:58 PM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

>

>

>

> Sent from my iPhone

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 10/30/2017 3:38:10 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: RE: Meeting with EPA Nominee

Got it. Thanks!

Kaitlyn Shimmin

Special Assistant Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

O: (202) 564-4108

C: **Ex. 6**
Shimmin.Kaitlyn@epa.gov

From: Wheeler, Andrew R. [mailto:Andrew.Wheeler@FaegreBD.com]
Sent: Monday, October 30, 2017 11:36 AM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: Re: Meeting with EPA Nominee

I can't do it Wednesday now, unless it's first thing in the morning.

Sent from my iPhone

On Oct 30, 2017, at 10:23 AM, Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov> wrote:

Good morning Alexander, Would Congressman Pallone have time Wednesday or Thursday of this week to meet with Mr. Wheeler? If not, can we please look at next week's availability? Thanks!

Kaitlyn Shimmin

Special Assistant Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

O: (202) 564-4108

C: **Ex. 6**
Shimmin.Kaitlyn@epa.gov

From: Shimmin, Kaitlyn
Sent: Monday, October 16, 2017 10:17 AM
To: 'alexander.gristina@mail.house.gov' <alexander.gristina@mail.house.gov>
Subject: Meeting with EPA Nominee

Hi Alexander,

I am reaching out in hopes of setting up a meeting this week with Congressman Pallone and Andrew Wheeler who has been nominated as Deputy Administrator for the EPA. Would he have any time on Wednesday 10/18 or Thursday 10/19?

Thanks,

Kaitlyn Shimmin

*Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator*

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

O: (202) 564-4108

C: Ex. 6

Shimmin.Kaitlyn@epa.gov

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 10/18/2017 8:35:48 PM
To: Koetzle, William A [bkoetzle@chevron.com]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: RE: catch up

He's out of town Monday. How about Thursday at 11 AM?

Kaitlyn Shimmin

Special Assistant Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

O: (202) 564-4108

C: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Koetzle, William A [mailto:bkoetzle@chevron.com]
Sent: Wednesday, October 18, 2017 11:20 AM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: catch up

Sure, sorry about problem. Monday any time between 10am and 2pm. Or anytime thursday

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
Sent: Wednesday, October 18, 2017 11:16 AM
To: Lyons, Troy <lyons.troy@epa.gov>; Koetzle, William A <bkoetzle@chevron.com>
Subject: [**EXTERNAL**] Re: catch up

Hi Mr. Koetzle, Troy is unable to make coffee today. Is there a day that works for you next week?

Sent from my iPhone

On Oct 11, 2017, at 9:07 AM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Could you add to the schedule

Troy M. Lyons

Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

Ex. 6 (cell)

Sent from my iPhone

Begin forwarded message:

From: "Koetzle, William A" <bkoetzle@chevron.com>

Date: October 11, 2017 at 8:56:25 AM EDT

To: "Lyons, Troy" <lyons.troy@epa.gov>

Subject: Re: Re: catch up

Perfect. Bucks at 1. Take care

Sent from my iPhone

On Oct 11, 2017, at 8:27 AM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Looks good. 1:00?

Troy M. Lyons

Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

Ex. 6 (cell)

Sent from my iPhone

On Oct 11, 2017, at 7:54 AM, Koetzle, William A
<bkoetzle@chevron.com> wrote:

Hey, hows it going? Been too long. Time for a
coffee next week? Pick a time, ill make it work. take
care, hope all is well

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F3F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 10/18/2017 3:16:12 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; bkoetzle@chevron.com
Subject: Re: catch up

Hi Mr. Koetzle, Troy is unable to make coffee today. Is there a day that works for you next week?

Sent from my iPhone

On Oct 11, 2017, at 9:07 AM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Could you add to the schedule

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 (cell)

Sent from my iPhone

Begin forwarded message:

From: "Koetzle, William A" <bkoetzle@chevron.com>
Date: October 11, 2017 at 8:56:25 AM EDT
To: "Lyons, Troy" <lyons.troy@epa.gov>
Subject: Re: Re: catch up

Perfect. Bucks at 1. Take care

Sent from my iPhone

On Oct 11, 2017, at 8:27 AM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Looks good. 1:00?

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 (cell)

Sent from my iPhone

On Oct 11, 2017, at 7:54 AM, Koetzle, William A
<bkoetzle@chevron.com> wrote:

Hey, how's it going? Been too long. Time for a coffee next week? Pick a time, I'll make it work. Take care, hope all is well

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 10/27/2017 4:06:32 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Aaron Ringel (ringel.aaron@epa.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]
Subject: FW: Responses for DA nominee
Attachments: WheelerQstoEPA.docx

Hi Andrew,

Here is a follow up document from your Air Briefing. Please let me know if there is anything else they can provide.

Kaitlyn Shimmin

Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
O: (202) 564-4108
C: Ex. 6
Shimmin.Kaitlyn@epa.gov

From: Thundiyil, Karen
Sent: Friday, October 27, 2017 11:59 AM
To: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Cc: Haman, Patricia <Haman.Patricia@epa.gov>
Subject: RE: Responses for DA nominee

Hi Kaitlyn,

Here are two responses to questions Andrew Wheeler posed in Wednesday's briefing with OAR. Please let me know if you have any questions, or need anything else.

Karen.

Karen Thundiyil
Office of Congressional Affairs
U.S. Environmental Protection Agency
(202) 564.1142

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 10/26/2017 1:06:06 PM
To: Wheeler, Andrew R. [Andrew.Wheeler@FaegreBD.com]
Subject: Re: Air Meeting

Deliberative Process / Ex. 5

Sent from my iPhone

On Oct 26, 2017, at 8:55 AM, Wheeler, Andrew R. <Andrew.Wheeler@FaegreBD.com> wrote:

Deliberative Process / Ex. 5 ? Thanks.

Andrew R. Wheeler

Principal

andrew.wheeler@FaegreBD.com Download vCard

D: +1 202 312 7424 | M: **Ex. 6** | F: +1 202 312 7460

Faegre Baker Daniels Consulting

1050 K Street NW | Suite 400 | Washington, DC 20001, USA

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 10/3/2017 8:02:51 PM
To: Andrew.wheeler@faegrebd.com
Subject: List of Contacts for Press Release

Thanks again!

Kaitlyn Shimmin

Special Assistant Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

O: (202) 564-4108

C: Ex. 6

Shimmin.Kaitlyn@epa.gov