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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

BETTINA POIRIER, STAFF DIRECTOR
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February 26, 2008

Stephen L. Johnson
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Johnson:

I am seeking EPA's immediate production of all outstanding documents called for by my December 20, 2007 request relating to EPA's decision denying the California waiver. You testified at the Environment and Public Works (EPW) Committee hearing on January 24, 2008, that EPA would produce all responsive documents, specifically including communications with the White House, the Vice President's office and other Executive Branch agencies, by February 15, 2008. Yet EPA's production remains incomplete.

I received a letter on February 15 from Associate Administrator Christopher Bliley, saying that EPA had "substantially completed" its response to the December 20 request. However, EPA staff later told us that you have not produced various "interagency" records, including records reflecting EPA's communications with the White House. According to EPA staff, these documents are being withheld because they are still being reviewed by other executive agencies as well as by the White House Counsel's office. In another letter from Mr. Bliley on February 22, 2008, EPA confirmed that these documents have not been produced due to this ongoing "consultation," but gave no time frame for their production.

In addition, the continued provision of heavily redacted documents remains unacceptable. EPA is obligated to produce all of these records – in complete and un-redacted form, and without restrictions – so that the EPW Committee can exercise its oversight jurisdiction.

Please ensure that your staff and all other relevant agencies and offices take whatever action is necessary so that we receive all remaining records promptly, and in no event later than Wednesday, March 5. If you have any questions please contact Erik Olson of the Committee's staff at 202-224-8832.

Sincerely,



Barbara Boxer
Chairman