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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR
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April 4, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

I write to request information regarding Environmental Protection Agency (EPA) staff's analysis of H.R. 1430 in light of reports that such analysis was prevented from being transmitted to the Congressional Budget Office (CBO) by EPA's leadership. The reporting of an alleged effort to keep EPA staff's input secret is deeply troubling. If such actions occurred, they fundamentally disregard the recommendations of career staff and create the appearance that EPA leadership sought to misrepresent the costs to taxpayers of the bill's mandates. Further, such an effort is particularly and grotesquely ironic, given the bill's purpose is to prevent EPA from using so-called "secret" science to write regulations to protect against the effects of air, water or other environmental pollution.

H.R. 1430, which passed the House on March 29, 2017 on a largely party line vote, would require all raw data used to form the basis of EPA regulations be made public. For the most part, patients and their families only participate in scientific trials and studies once they know their privacy - and any resulting health-related information - will remain confidential and secure. This bill threatens the confidentiality agreements that exist between researchers and their subjects, and limits the types of science the EPA can use when developing our health standards. The Obama Administration issued a veto threat¹ over H.R. 1030, a previous version of the legislation, stating that it "would undermine EPA's ability to protect the health of Americans, would impose expensive new mandates on EPA, and could impose substantial litigation costs on the Federal government. It also could impede EPA's reliance on the best available science." The CBO estimated that the cost to the agency of implementing H.R. 1030 would be \$250 million².

According to an April 3, 2017 article in Bloomberg News entitled "EPA leaders trashed staff comments critical of data overhaul bill: Officials," EPA staff believed that H.R. 1430, like the version analyzed in the last Congress, would also cost the agency "at least \$250 million a year while threatening agency know-how and jeopardizing personal and confidential business information." Their comments, however, were eliminated entirely from the official EPA comments that were transmitted to CBO. As a result, the article states that "based on assurances from the agency," CBO concluded that the bill would only cost \$1 million annually to implement.

¹ https://obamawhitehouse.archives.gov/sites/default/files/omb/legislative/sap/114/saphr1030r_20150303.pdf
² <https://www.congress.gov/114/crpt/srpt69/CRPT-114srpt69.pdf>

Even more disturbing, the article, which was based on emails provided to the reporter as well as interviews with EPA staff, states that an agency official who helped write the comments said that efforts to suppress staff comments “is a complete disregard” that is “consistent with everything else we’ve seen. Basically all the actions of our organization are being curtailed from every direction. This is just another piece of that, and it doesn’t take a big step to connect those dots.”

During your confirmation hearing, you said that you “seek to be a good listener, to listen and to lead. You can’t do one without the other. Listen to those career staff at the EPA, as I have done as Attorney General of Oklahoma....” Unfortunately, EPA’s political staff seem to have taken the opposite approach when they stifled and suppressed the analysis of other EPA staff.

So that I can review for myself the EPA staff’s analysis of H.R. 1430, as well as evidence of the reported efforts to suppress their views, I ask that, no later than close of business on Friday, May 5, 2017, you provide me with a copy of all documents (including but not limited to emails, legal and other memoranda, letters, telephone logs, meeting minutes and calendars, slides and presentations) sent or received by EPA (including documents sent or received by members of EPA’s beach-head and transition teams) that are related to EPA’s analysis of H.R. 1430.

Thank you very much for your attention to this important matter. [REDACTED]

With best personal regards, I am,

Sincerely yours,


Tom Carper
Ranking Member