



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
GENERAL COUNSEL

August 1, 2018

Paula Dinerstein
Public Employees for Environmental Responsibility (PEER)
962 Wayne Ave, Suite 610
Silver Spring, MD, 20910

Re: PEER v. EPA, Civil Action No. 17-00652-BAH (D.D.C.);
FOIA Request No. EPA-HQ-2017-004787;
EPA's Final Response to Part 1 of PEER's FOIA Request

Dear Ms. Dinerstein:

Pursuant to the Court's Order and Memorandum Opinion, dated June 1, 2018 (hereinafter, "Mem. Op."), and the Court's Minute Order, dated June 20, 2018, the U.S. Environmental Protection Agency ("EPA") hereby provides a final response to Part 1 of PEER's FOIA Request. With respect to Part 1 of the request, the Court's June 1 order directed EPA to "produce any non-exempt responsive records to the plaintiff, along with an explanation of any such records withheld by August 1, 2018."

Part 1 of your request, as amended, seeks "[t]he agency records that Administrator Pruitt¹ relied upon to support his statements in his CNBC interview' on March 9, 2017. Mem. Op. at 8–9 (quoting EPA decl. ¶ 6). As relevant to this request, when the former Administrator "appeared on the CNBC program 'Squawk Box' [he] stated, regarding carbon dioxide created by human activity, that '[he] would not agree that it's a primary contributor to the global warming that we see,' and 'there's a tremendous disagreement about of [sic] the impact' of 'human activity on the climate.'" Id. at 1 (quoting Compl. ¶¶ 18–19).

As previously reported, EPA completed its search for records in connection with Part 1 of the Request on July 11, 2018.

EPA conducted a search for briefing materials prepared by or for the former Administrator, or members of his staff, in the days leading up to his March 9, 2017, interview on CNBC. EPA located the attached twelve pages of responsive records. These records consist of an email communication to the "Squawk Box" team transmitting briefing material that was prepared for the former Administrator and that was provided to him in advance of his appearance on the program. With the exception of three minor redactions of personal cell phone contact information pursuant to FOIA Exemption 6, all of the

¹ Administrator Pruitt left EPA on July 9, 2018.

responsive records that EPA located in its search are being released in full. No other material is being redacted or withheld from you in response to Part 1 of the Request.

In addition to the above search, EPA presented the twelve pages of material that EPA had located in its search to the former Administrator before his departure from the Agency and asked him if he was aware of any other agency records that he relied upon to make the statement on the Squawk Box appearance. The former Administrator identified no additional responsive records.

This release and response letter completes EPA's response to Part 1 of this request. As this matter remains in litigation, please contact Daniel Schaefer, Assistant United States Attorney, at (202) 252-2531, if you have any questions about this document production. We look forward to working with you to provide the information responsive to Part 2 of your request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jennifer Hammitt', with a long horizontal flourish extending to the right.

Jennifer Hammitt
Office of General Counsel
Environmental Protection Agency

Enclosures

cc: Daniel Schaefer, Assistant United States Attorney