

EPA

Lawsuit claims agency bypassed written records requirements

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U.S. EPA headquarters in Washington. Natural Resources Defense Council/Flickr

Two watchdog groups allege in a new lawsuit that U.S. EPA has illegally failed to maintain written records documenting agency decisions and activities.

The groups, Citizens for Responsibility and Ethics in Washington and Public Employees for Environmental Responsibility, say EPA has violated the Federal Records Act.

CREW and PEER filed the suit yesterday in the U.S. District Court for the District of Columbia.

"It appears EPA Administrator Pruitt has operated in secrecy to avoid creating an adequate record of his and the EPA's actions," CREW Executive Director Noah Bookbinder said. "We should not have to sue him to force him to follow the law and allow the public a window into what he is doing about the many critical issues before the EPA, but he has given us no other choice."

The **complaint** cites news reports claiming that Pruitt and other political appointees at the agency instructed staff to not create written records about certain items, including proposed changes to the Obama-era Clean Water Rule. It also cites as evidence reports that Pruitt barred staff from bringing cellphones into meetings and taking written notes.

In a response to a Freedom of Information Act request by PEER, EPA also said it did not have any internal records related to the agency's Superfund Task Force, even though the task force issued dozens of recommendations on cleaning up hazardous sites.

The lawsuit names EPA and Pruitt, as well as the National Archives and Records Administration and Archivist of the United States David Ferriero, as defendants. According to the complaint, NARA and Ferriero failed to inform Pruitt of Federal Records Act violations.

James Pritchett, a NARA spokesman, said in an email that the Office of Chief Records Officer Laurence Brewer has formally reached out to EPA leadership about the concerns raised by the watchdog groups.

"This matter is active and ongoing, and as is the case with all such allegations of improper recordkeeping, we consider each case seriously and expect that the agency complies with existing records management laws and regulations," Pritchett wrote.

EPA did not respond to a request for comment.

