

June 20, 2017

**SUBMITTED ELECTRONICALLY
HARD COPY TO FOLLOW BY U.S. MAIL**

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460
(202) 566-1667

Re: Freedom of Information Act Request for schedule and activities of Administrator E. Scott Pruitt and senior managers

Dear National Freedom of Information Officer:

Environmental Defense Fund (“EDF”) respectfully requests records, as that term is defined at 5 U.S.C. § 552(f)(2) of the Freedom of Information Act (“FOIA”), of the U.S. Environmental Protection Agency (“EPA” or the “Agency”). Specifically, EDF requests EPA Administrator E. Scott Pruitt’s schedule since his assumption of office on February 17, 2017, as well as the schedules of his senior managers since they assumed office. EDF requests copies of all records of the EPA produced, modified, or transmitted since February 17, 2017 that are related to the Administrator’s and senior managers’ schedules, including: calendars, schedules, itineraries, logs of daily activities and travel, and records of in-person, telephonic or electronic meetings, including lists of meeting attendees. EDF requests these records on a rolling basis, from February 17, 2017 until the end of Administrator Pruitt’s tenure.

This information request encompasses all agency records, whether in electronic, paper, or other formats. This request specifically includes any attachments to responsive records. If any of the information sought in this request is deemed by EPA to be properly withheld under a FOIA exemption, 5 U.S.C. § 552(b), please provide EDF with an explanation, for each record or portion thereof, sufficient to identify the record and the particular exemption(s) claimed.

Request for Expedited Processing

EDF respectfully seeks expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E)(i) and 40 C.F.R. § 2.104(e)(1)(ii), which applies when there is “[a]n urgency to inform the public about an actual or alleged Federal government activity, if the information is requested by a person primarily engaged in disseminating information to the public.” With respect to two other FOIA

requests, EPA recently recognized EDF's eligibility for expedited processing on this basis.¹ In support of this request for expedited processing, I certify that the following information is true and correct to the best of my knowledge and belief:

- (1) EDF engages in extensive, daily efforts to inform the public about matters involving environmental policy, including EPA activities. For example, EDF has multiple channels for distributing information to the public, including through direct communication with its more than 2 million members, press releases, blog posts, active engagement on social media, and frequent appearances by staff in major media outlets.²
- (2) As highlighted in the attached letter, several of Administrator Pruitt's activities have raised substantial concerns regarding EPA activity that contravenes important legal activities and/or is in serious tension with pertinent ethics agreements and recusals.
- (3) Recent developments highlight the urgent need to safeguard EPA's limited budget resources. On May 23, 2017, the White House Office of Management and Budget released "Budget of the U.S. Government: A New Foundation for American Greatness," covering fiscal year 2018 ("2018 Budget"). On page 42, Table S-8 of this document describes the President's request to reduce EPA's budget by more than 31 percent—the most severe cut of any Cabinet department or major agency. The 2018 Budget's dramatic cuts amplified existing concerns about EPA's limited budget resources.³

As we demonstrate in the attached letter, refusing to disclose the Administrator's and senior managers' schedules heightens concerns over the proper expenditure of EPA's limited resources. For example, it appears that Administrator Pruitt has traveled extensively during his tenure, and additional EPA funds have been allocated for his travel expenses. Without information about the nature of his travel—information that his schedule would reveal—it is difficult for the public to assess whether these expenses are an appropriate use of the agency's increasingly limited funds.

- (4) Administrator Pruitt's activities, and those of his senior managers, continue each day with limited transparency. Expedited treatment is essential in order to rectify and avoid

¹ See Letter from Larry F. Gottesman (EPA) to Benjamin Levitan (EDF) re: Request Tracking Number EPA-HQ-2017-003545 (Feb. 23, 2017); Letter from Larry F. Gottesman (EPA) to Benjamin Levitan (EDF) re: Request Tracking Number EPA-HQ-2017-005587 (Apr. 12, 2017).

² See, e.g., Statement of EDF President Fred Krupp, *Trump Budget Cuts Would Put Health and Safety of All Americans at Risk* (Mar. 16, 2017), <https://www.edf.org/media/trump-budget-cuts-would-put-health-and-safety-all-americans-risk>; Mandy Warner, *America's Leaders Weigh in on the Dangers of Proposed EPA Budget Cuts*, EDF Climate 411 Blog (Mar. 15, 2017), <http://blogs.edf.org/climate411/2017/03/15/americas-leaders-weigh-in-on-the-dangers-of-proposed-epa-budget-cuts/>; Jeremy Symons (EDF Associate Vice President), *Trump's War on the EPA: Deconstruction*, Huffington Post (Mar. 2, 2017), <http://www.huffingtonpost.com/entry/58b88953e4b02b8b584df981>.

³ See, e.g., Brady Dennis & Juliet Eilperin, *Trump's Budget Takes a Sledgehammer to the EPA*, Wash. Post (Mar. 16, 2017), https://www.washingtonpost.com/national/health-science/budget-reflects-trumps-vow-to-cut-epa-in-almost-every-form/2017/03/15/0611db20-09a5-11e7-a15f-a58d4a988474_story.html?utm_term=.07c64bfc8b72; Rafi Letzter, *Trump's EPA Cuts Are Great News for Polluters, But Bad News for His Voters*, Bus. Insider (Mar. 16, 2017), <http://www.businessinsider.com/what-trumps-budget-would-really-mean-for-the-epa-2017-3>; *Trump Wants to Cut \$2 Billion from the EPA's Budget. Here's What That Money Does*, Time (Feb. 28, 2017), <http://time.com/money/4685308/donald-trump-epa-cuts/>.

ethically and legally problematic events as soon as possible. Withholding these records hinders the public's ability to confirm or allay concerns about the Administrator's and senior managers' events and the Agency's expenditure of public funds. Expedited treatment of this request is essential in order to assure effective oversight of EPA's limited budget resources as well as to identify and where possible address misuse of agency funds.

Request for Fee Waiver

As a non-partisan, non-profit organization that provides information that is in the public interest, EDF respectfully requests a waiver of fees associated with this request. We are not seeking information for any commercial purpose and the records received will contribute to a greater public understanding of issues of considerable public interest: the activities of the Administrator and senior leadership of a major federal agency with purview over matters affecting the public health and environment of millions of Americans. 5 U.S.C. § 552(a)(4)(A)(iii). EDF is well positioned to disseminate the records to the public, as we routinely issue press releases, action alerts, reports, analyses, and other public outreach materials. We fully intend to disseminate newsworthy information received in response to this request. Accordingly, we respectfully request that the documents be furnished without charge. 5 U.S.C. § 552(a)(4)(A)(iii).

For ease of administration and to conserve resources, we will accept records produced in a readily accessible electronic format. In the event EDF's request for a fee waiver is denied or if you have any questions about this request, please contact me immediately by telephone at (202) 572-3318 or by email at blevitan@edf.org.

Respectfully submitted,

Benjamin Levitan
Environmental Defense Fund
1875 Connecticut Avenue, NW
Suite 600
Washington, DC 20009

Benjamin Levitan

From: Martha Roberts
Sent: Thursday, July 20, 2017 9:29 AM
To: 'No.fredrick@Epa.gov'
Subject: Clarification of FOIA request EPA-HQ-2017-008622

Dear Fred,

Thank you for talking with me. I wanted to follow up on our conversation with some additional clarification of EDF's FOIA request, included below. I would be happy to discuss further with you at your convenience. If that would be helpful, please let me know.

Thank you so much for your assistance,

Martha

- (1) EDF amends the timeframe of its FOIA request. We request records from January 20, 2017 through July 20, 2017.
- (2) EDF offers the following clarification of what types of records it requests:
 - a. Official and unofficial calendars
 - b. Official and unofficial schedules
 - c. Travel vouchers
 - d. Travel itineraries
 - e. Itineraries of conferences and workshops
 - f. Meeting agendas and attendees
 - g. Tick tocks
 - h. Call lists
 - i. Ethics forms related to travel and meeting attendance
 - j. EDF notes that it requests work-related records regardless of how they are captured, e.g. in paper form, via work or personal email, etc.
- (3) EDF offers the following clarification of whose records we request:
 - a. Scott Pruitt
 - b. Ryan Jackson
 - c. Byron Brown
 - d. Mandy Gunasekara
 - e. Samantha Dravis
 - f. Brittany Bolen
 - g. George Sugiyama
 - h. Justin Schwab
 - i. Nancy Beck
- (4) With respect to Administrator Pruitt's records: You pointed me to a public copy of Administrator Pruitt's schedule from February 17 through March 31 as well as copies of his travel vouchers from mid March through May. I acknowledge receipt of those records—thank you for bringing them to my attention. I amend our request, with respect to Pruitt's official calendar, to request his official calendar from April 1, 2017, through July 20, 2017. I amend our request, with respect to Pruitt's travel voucher records, to request his voucher records between February 17 and his March 8-9 trip (if there are any) and to request his voucher records from after his May 25-29 trip until July 20, 2017. With respect to the other types of Scott Pruitt records requested—and with

respect to records requested from other EPA individuals—we do not amend our request and we continue to request those records in full between January 20 and July 20.

Martha Roberts

Senior Attorney

U.S. Climate Legal and Regulatory Program

Environmental Defense Fund

1875 Connecticut Ave. NW Suite 600

Washington, DC 20009

T 202-572-3243

mroberts@edf.org