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January 19, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Pruitt:

I write to you to express concern over several meetings you have held since assuming your role at the Environmental Protection Agency (EPA) and to gather more information about the content of these meetings and how they may have related to the litigation you pursued as the Attorney General of Oklahoma against the EPA.

In your tenure as Attorney General of Oklahoma, you repeatedly sued EPA to overturn regulations that seek to protect Americans from the effects of many problematic substances including greenhouse gases and several air and water pollutants. Collectively, these regulations are projected to save tens of thousands of lives each year, and avoid cardiovascular disease, asthma and missed days of school and work. Of the 19 cases you filed against the EPA as Attorney General of Oklahoma, eight remain pending before the courts.

Federal regulations require a federal official to recuse himself from matters where “the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter.”¹ On May 4, 2017, you issued an ethics obligation memorandum in which you outlined your ethical responsibility relating to recusals.² This document stated that you “will not participate in any active cases in which Oklahoma is a party, petitioner or intervener” for a one-year period following your resignation as Attorney General of Oklahoma to expire on February 18, 2018. The memorandum listed a series of cases comprised in this recusal agreement, including cases in which the American Petroleum Institute and Murray Energy were the lead plaintiffs.

I am concerned that a series of meetings you have held with entities that are co-petitioners on the pending cases from which you stated you would recuse yourself call into question your impartiality on the issues and further, may have violated your specific

¹ 5 CFR 2635.502

² Bogardus, Kevin and Reilly, Amanda. “Pruitt recuses himself from Clean Power Plan, WOTUS suits.” E&E News, May 5, 2017. <https://www.eenews.net/stories/1060054153>

ethics agreement. As such, for each of the following meetings, I request that you provide a written response detailing the content and length of the meetings, including whether at any point in the duration of the meetings the pending cases or topics related to the pending cases were discussed. In your response, please detail the specific topics or issues discussed and provide any meeting agenda, notes, minutes or other documentation of these meetings.

Meeting with Tom Fanning, CEO of Southern Company

Wednesday, May 10, 2017 – 4:30 PM

Recusal case 1: Southern Company is one of the petitioners in the case *Murray Energy Corporation v. EPA* concerning Mercury and Air Toxics Standards (MATS) set by the EPA.

Recusal case 2: Southern Company is one of the petitioners in the case *Environmental Committee of the Florida Electric Power Coordinating Group v. EPA* (formerly *Walter Coke Inc. v. EPA*) concerning the update to policy for excess emissions during periods of startup, shutdown, and malfunction.

Meeting with the U.S. Chamber of Commerce

Monday, June 12, 2017 – 2:00 PM

Recusal case 1: U.S. Chamber of Commerce is one of the petitioners in the case *West Virginia v. EPA* concerning the Clean Power Plan.

Recusal case 2: U.S. Chamber of Commerce is one of the petitioners in the case *State of North Dakota v. EPA* concerning carbon emissions standards for new power plants set by the EPA.

Recusal case 3: U.S. Chamber of Commerce is one of the petitioners in the case *Murray Energy Corporation v. EPA* concerning Ozone National Ambient Air Quality Standards (Ozone NAAQS) set by the EPA.

Meeting with the National Mining Association

Tuesday, June 20, 2017 – 3:00 PM

Recusal case: The National Mining Association is one of the petitioners in the case *State of North Dakota v. EPA* concerning carbon emissions standards for new power plants set by the EPA.

The American people trust that you, the Administrator, will exclusively serve the public interest, and the lack of transparency of your actions as Administrator call into question this trust. Therefore, I respectfully request that you provide information on the contents of the aforementioned meetings and provide your response no later than close of business on Thursday, March 8, 2018. Should you have any questions or concerns, please have your staff contact Dr. Mary Schultz or Dr. Avenel Joseph of my staff at 202-224-2742.

Sincerely,

A handwritten signature in blue ink that reads "Edward J. Markey". The signature is written in a cursive style with a large, prominent "E" and "M".

Edward J. Markey