

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371
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September 24, 2015

Mr. Denis McDonough
Chief of Staff
The White House
Washington, DC 20500

Dear Mr. McDonough:

On December 17, 2014, the U.S. Environmental Protection Agency (EPA) issued its proposed rule for ozone National Ambient Air Quality Standards (NAAQS). The proposed rule would set more stringent standards, lowering the primary standard from the current 75 parts per billion (ppb) to a range of 65 to 70 ppb. If enacted, this rule is likely to be the costliest rule EPA has ever issued.¹

The Committee is concerned with recent news reports related to EPA's proposed final standard, which was submitted to OMB on August 28, 2015, for final review before publication by October 1, 2015. These reports suggest that officials within various White House offices are urging the President to disregard EPA's suggested final standard in favor of a stricter limit preferred by environmental lobbying organizations. For example, one report states that "EPA appears intent on finalizing a 'primary' health-based NAAQS of 70 ppb, but faces calls from the White House Council on Environmental Quality (CEQ) to choose a stricter 68 ppb limit," and that outside groups are meeting with the Administration "to argue for their preferred level for the air standard."² Other news reports relay a similar narrative.³

Any new lower ozone standard is unnecessary at this time and could cause devastating harm to the economy. However, it is even more troubling that whatever scientific analyses used by EPA to determine its final recommended limit are being disregarded by White House officials for purely political reasons. The American people deserve a thorough, science-based analysis of the proposed ozone rule, not one based on partisan political considerations.

¹Nat'l Assoc. of Manufacturers, Press Release, *NAM: Proposed Ozone Rule Still Most Costly in U.S. History*, Feb. 26, 2015, available at <http://www.nam.org/Newsroom/Press-Releases/2015/02/NAM--Proposed-Ozone-Rule-Still-The-Most-Costly/>.

²Stuart Parker, *EPA Said To Support 70 ppb Standard In Final Ozone NAAQS Rulemaking*, Inside EPA, Sept. 3, 2015, available at <http://insideepa.com/daily-news/epa-said-support-70-ppb-standard-final-ozone-naaqs-rulemaking>.

³Amanda Reilly, Greenwire, *White House sets stakeholder meetings on EPA ozone plan*, Sept. 4, 2015, available at <http://www.eenews.net/greenwire/2015/09/04/stories/1060024285>.

To assist the Committee's efforts to ensure adherence to sound science and objective analysis in agency rulemaking, please produce the following documents in electronic format:

1. All documents and communications between or among the Office of Management and Budget, the Executive Office of the President, and the EPA referring or relating to the final ozone NAAQS rule.
2. All documents and communications between or among the Office of Management and Budget, the Executive Office of the President, and outside groups, including but not limited to the Natural Resources Defense Council, Sierra Club, and the League of Conservation Voters referring or relating to the final ozone NAAQS rule.

Additionally, I request that the following individuals be made available for transcribed interviews:

1. Howard Shelanski, Administrator, Office of Information and Regulatory Affairs
2. Christy Goldfuss, Managing Director, Council on Environmental Quality

The Committee on Science, Space, and Technology has jurisdiction over environmental and scientific programs and "shall review and study on a continuing basis laws, programs, and Government activities" as set forth in House Rule X.

Please provide the requested documents and information, as soon as possible, but no later than noon on October 8, 2015. When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2321 of the Rayburn House Office Building and the Minority Staff in Room 394 of the Ford House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

If you have any questions about this request, please contact Richard Yamada or Joe Brazauskas of the Science, Space, and Technology Committee staff at 202-225-6371. Thank you for your attention to this matter.

Sincerely,



Rep. Lamar Smith
Chairman
Committee on Science, Space,
and Technology

cc: The Honorable Eddie Bernice Johnson, Ranking Minority Member, House Committee on Science, Space and Technology