

United States Senate

WASHINGTON, DC 20510

April 5, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

On March 24, you issued two memoranda that have the potential to upend decades of established EPA procedures, undo tremendous gains in clean air and clean water since EPA's founding, and jeopardize EPA's mission to safeguard the health of current and future generations. The first memorandum, with the subject "Executive Order 13777: Enforcing the Regulatory Reform Agenda," discusses steps EPA will take to comply with EO 13777 from February 24. The second, with the subject "Improved Management of Regulatory Actions," would require the reporting of all regulatory actions taken by EPA, regardless of their magnitude or impact, in a centralized system overseen by political appointees. We are deeply concerned by these memoranda, and we will address them in turn.

While there is no inherent harm in creating a Regulatory Reform Task Force – indeed, President Obama directed agencies to streamline or eliminate outdated or redundant regulations in Executive Order 13563 of January 18, 2011 – the process you have outlined for this particular Task Force runs the significant risk of curtailing public engagement and endangering public health. You state that the Task Force must "seek input from entities significantly affected by our regulations, including state, local and tribal governments, small businesses, consumers, non-governmental organizations and trade associations." Noticeably absent from this list of stakeholders is the general public, which benefits from EPA rules and regulations through cleaner air, cleaner water, and improved public health. Additionally, your memorandum makes reference only to the "burdensome" aspect of regulations; while we fully understand that all regulations entail both private costs and public benefits, your memo excludes any consideration of the latter.

The second memorandum would put political appointees in the position of adjudicating what is and what is not "sound science." Neither you, nor Associate Administrator for Policy Samantha Dravis, nor Chief of Staff Ryan Jackson, nor Deputy Chief of Staff Byron Brown, nor Deputy Associate Administrator for Policy Brittany Bolen, have any meaningful scientific background. We therefore fail to see how your background will allow for the proper evaluation of the rigorous methodologies and quality of evidence that are the foundations of "sound science."

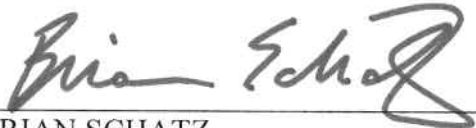
Consolidating decision-making in this manner would allow these and other political appointees to overrule the actions of any agency scientist or career public servant, the vast majority of whom have devoted their careers to environmental protection and improving public health. We have already witnessed the dangers of this arrangement in your March 31 decision not to ban the

pesticide chlorpyrifos, against the advice of the agency's own scientists, who have documented the potential harms to neurological development and did not determine the pesticide to be safe. Your memorandum will make unscientific and anti-scientific decisions like this more common in the future, and it will force the public to question whether their chief health and environmental enforcer really has their best interests at heart.

Given these concerns, please provide written assurances on the following points:

- EPA's Regulatory Reform Task Force will fully engage with public health, consumer protection, and environmental groups, as well as the general public, in order to better understand the scale and scope of the benefits associated with each regulation under consideration.
- EPA will make public, on its website, the names and affiliations of all participants that provide input to the Task Force.
- EPA will transparently disclose its calculations of both costs and benefits in considering the merits or any particular regulation.
- Political appointees will not interfere with routine and non-controversial regulatory actions informed by career EPA scientists acting in the best interest of the public.
- Going forward, you will justify all decisions you make that ignore the advice of EPA scientists with the body of peer-reviewed scientific literature relied upon in arriving at your decision.

Sincerely,



BRIAN SCHATZ
U.S. Senator



EDWARD J. MARKEY
U.S. Senator



SHELDON WHITEHOUSE
U.S. Senator