

01268-EPA-5686

**Richard Windsor/DC/USEPA/US**  
06/09/2011 12:01 PM

To "Nancy Sutley"  
cc  
bcc

Subject Fw: New York Times: U.S. Is Falling Behind in the Business of 'Green'

Betsaida Alcantara

----- Original Message -----

**From:** Betsaida Alcantara

**Sent:** 06/09/2011 11:53 AM EDT

**To:** Adora Andy; Andra Belknap; Dru Ealons; Arvin Ganesan; Cynthia Giles-AA; Brendan Gilfillan; Alisha Johnson; Gina McCarthy; David McIntosh; Seth Oster; Stephanie Owens; Bob Perciasepe; Nancy Stoner; Bob Sussman; Diane Thompson; Richard Windsor; Mathy Stanislaus; Steve Owens; Paul Anastas; Sarah Pallone; Bicky Corman; Michael Goo; Daniel Kanninen

**Subject:** New York Times: U.S. Is Falling Behind in the Business of 'Green'

### **U.S. Is Falling Behind in the Business of 'Green'**

New York Times

June 8, 2011

By [ELISABETH ROSENTHAL](#)

LEICESTER, England — The Mark Group started hunting for a new untapped market when it realized that its core business — insulating old homes using innovative technology — would drop off in coming years. Based in this rust-belt city, the company had grown rapidly over the last decade largely because of generous and mandatory government subsidies for energy conservation that impelled the British to treat their homes.

But as a result of those incentives, market saturation was nearly complete — more than 80 percent of the country's older homes had been at least partly retrofitted by 2010, the company estimated. So the Mark Group recently opened its newest office in another country, one with a relative paucity of expertise in the company's specialty of cutting home energy bills and greenhouse gas emissions.

The office is in Philadelphia.

“The United States was a nearly untouched market with 120 million homes, most of them very energy-inefficient — it was a massive opportunity,” said Bill Rumble, the company's commercial director, who had recently returned from its new American headquarters.

Many European countries — along with China, Japan and South Korea — have pushed commercial development of carbon-reducing technologies with a robust policy mix of direct government investment, tax breaks, loans, regulation and laws that cap or tax emissions. Incentives have fostered rapid entrepreneurial growth in new industries like solar and wind power, as well as in traditional fields like home building and food processing, with a focus on energy efficiency.

But with Congress deeply divided over whether [climate change](#) is real or if the country should use less fossil fuel, efforts in the United States have paled in comparison. That slow start is ceding job growth and profits to companies overseas that now profitably export their goods and expertise to the United States.

[A recent report by the Pew Charitable Trusts found](#) that while the clean technology sector was booming in Europe, Asia and Latin America, its competitive position was “at risk” in the United States because of “uncertainties surrounding key policies and incentives.”

“This is a \$5 trillion business and if we fail to be serious players in the new energy economy, the costs will be staggering to this country,” said Hal Harvey, a Stanford engineer who was an adviser to both the Clinton and the first Bush administration and is now chief executive of the San Francisco-based energy and environment nonprofit organization [Climate Works](#). Although the 2009 stimulus bill provided a burst of funding — \$45 billion — that has now tapered off, he said, “We’ve let energy policy succumb to partisan politics.”

The aggressive entry of Britain into the field over the last few years shows the power of government inducements to redesign a nation’s energy economy away from traditional fuel. The country’s [Green Deal](#), as it is called, is currently being spearheaded by the Conservative-led coalition government. In Britain, reducing carbon dioxide emissions was one of the few policies supported by political parties of both the right and left, which both accepted that climate change was a serious problem and saw clean technology investment as a growth opportunity rather than an onerous obligation.

“We are determined to harness the industrial benefits of the low-carbon economy ahead of the rest of the pack — we see it as a competitive advantage,” said Gregory Barker, Britain’s minister of state for energy and climate change. Last month, Mr. Barker led the first British green trade delegation to the United States; it included a [wind energy](#) company and a battery maker, but also Adnams Southwold, a famed brewery that now makes beer using less energy and water, and the Mark Group.

President Obama has vowed a switch to cleaner energy, and some states, like California, have taken aggressive measures. But the current patchwork of government inducements remains generally insufficient as a draw for American companies and investors to jump into new fields like wind power, energy-efficient appliances or even mass-market insulation, because upfront costs are large and profits uncertain.

Energy Department officials express frustration that they cannot do more at a crucial juncture without the support of Congress. Dr. Arun Majumdar, senior adviser to Energy Secretary Steven Chu, said that the department’s \$5 billion budget for research should be tripled as it currently financed less than 5 percent of proposed projects. He said the country needed better low-cost financing methods to bring companies into the market, as well as stricter energy-efficiency standards to stimulate customer demand.

“We want this ecosystem to grow and thrive like I.T. and biotechnology,” he said, adding he was

“concerned” it would not. While he agreed the United States remained a hotbed of good ideas, he said, “in actual downstream deployment we are at risk of falling behind — we are falling behind already.”

Of the three largest operators of wind farms doing business in the United States, only one, NextEra, is American. Iberdrola is Spanish and Horizon Wind Energy is a subsidiary of Energias de Portugal. Among manufacturers making components for the industry, just one American company, General Electric, is in the top 10. The others include Suzlon (India), Vestas (Denmark), Goldwind (China) and Enercon (Germany).

Tighter energy-efficiency standards for machinery and appliances established in Europe, Japan and China have “primed the demand pump” for companies in those countries to develop innovative designs that use less energy than United States products, said Stefan Heck, head of McKinsey’s global clean technology practice. California is the only American state to adopt similarly [high standards](#).

With less ambitious targets for things like emissions reductions and far lower financial incentives than are common elsewhere, United States policies have had a lackluster incubator effect. The United States’ Energy Star Program, for example, offers homeowners who buy energy-efficient appliances or add insulation to their homes a tax credit equal to 10 percent of the cost — with a cap of \$500.

When David Slap recently hired the Mark Group to insulate his four-bedroom house in Penn Valley, Pa. — motivated by drafts and a fear of rising fuel prices — he paid over \$5,000, all of it out of pocket.

Contrast that to the subsidy program offered in Britain. Power companies in Britain have been required to progressively reduce their greenhouse gas emissions and this year 68 percent of that reduction had to come from subsidizing professionally installed insulation in customers’ homes. Low-income and elderly customers got the home improvements free. Others paid less than \$1,000 to insulate a four-bedroom home, the full cost subsidized 40 to 60 percent. Residents recouped their investment in 12 to 18 months as fuel bills after insulation typically decreased 20 to 30 percent.

“This policy framework allowed the industry to mature — we became cheaper, the quality improved,” Mr. Rumble said. The company developed a mobile infrared scanner operated from a van that could screen 1,000 homes an hour for heat loss as it cruised by.

Other British initiatives included money for new offshore wind farms, payments to homeowners who generated electricity and heat with renewable power, and loans for installing rooftop solar panels that could be progressively repaid from savings on home energy bills.

With its extensive experience in retrofitting homes in Britain, the Mark Group is expecting success in United States markets like Philadelphia, where the business is largely the province of small local contractors.

Some federal incentives may be on the horizon, though many will require Congressional approval. The Energy Department has pressed hard for a new [home energy score](#) program that would rate homes for energy efficiency just as cars are rated for gas mileage; that rating would be available to potential buyers.

Will United States companies be able to compete on the world market in the future?

Not unless the country invests more in basic research in renewable energy and energy efficiency, said Emily Carter, a professor of energy and the environment at Princeton University. "If we don't invest in ways to efficiently produce sustainable energy, then I worry that once we stop importing from the Middle East, we'll simply find ourselves importing from China."

01268-EPA-5687

Richard Windsor/DC/USEPA/US  
06/09/2011 01:58 PM

To "Nancy Sutley", "Chris Lu"  
cc  
bcc

Subject Fw: From Greenwire -- CHEMICALS: U.S. Chamber asks White House to delay action on BPA, phthalates

---

**From:** Bob Sussman  
**Sent:** 06/09/2011 01:40 PM AST  
**To:** Steve Owens; Richard Windsor; Bob Perciasepe  
**Subject:** From Greenwire -- CHEMICALS: U.S. Chamber asks White House to delay action on BPA, phthalates

**This Greenwire story was sent to you by:** [sussman.bob@epa.gov](mailto:sussman.bob@epa.gov)

**Personal message:**

An E E Publishing Service

**CHEMICALS: U.S. Chamber asks White House to delay action on BPA, phthalates** *(Thursday, June 9, 2011)*

**Jeremy P. Jacobs, E E reporter**

The U.S. Chamber of Commerce is urging the White House to suspend consideration of U.S. EPA's plan to add plastic additives bisphenol A (BPA) and phthalates to its chemicals of concern list.

In a letter to the Office of Information and Regulatory Affairs Administrator Cass Sunstein, the U.S. Chamber's William Kovacs said Tuesday that EPA lacks scientific evidence needed to justify listing the substances.

The list is intended to track chemicals that might pose an "unreasonable risk of injury to health or the environment" under the 1976 Toxic Substances Control Act (TSCA).

"It appears EPA lacks the sound regulatory science needed to meet the statutory threshold for a restriction or ban of the targeted chemicals," Kovacs wrote. "Consequently, it seems to have resorted to other, less scientifically rigorous devices."

Saying the proposal represents a "tectonic shift in EPA policy," Kovacs cites a recent executive order from President Obama that requires new regulations to both protect public health but also promote economic growth and job creation.

"There is no evidence," Kovacs wrote, "that EPA has considered economic cost and jobs impact of its actions, developed a reasoned balance of benefits and costs, evaluated a range of lesser burdensome alternatives, determined whether there are viable alternatives to the subject chemical or evaluated how a listing might affect the quality, performance and safety of various products." Further, Kovacs said that EPA must seek the views of stakeholders and manufacturers before taking action.

"EPA, however, has chosen not to do so," Kovacs said.

Adding phthalates and BPA to the chemicals of concern list could pave the way to stricter regulations on the substances. Environmental watchdogs and some lawmakers have long called for EPA to limit the use of the compounds, citing studies linking the chemicals to endocrine problems. Many state legislatures have passed their own bans on BPA ([Greenwire](#), Feb. 24).

Congressional Democrats recently called for action on BPA after a Food and Drug Administration study found the chemical in 71 of the 78 canned foods it tested ([E&E Daily](#), June 2).

EPA's efforts to add BPA to the chemicals of concern list remain stalled. OIRA extended its review of the request last September and has not acted on it since ([Greenwire](#), Sept. 28, 2010).

## Greens decry chamber effort

Green groups have recently focused their fire on industry for delays in BPA regulations. The Center for Progressive Reform last week accused industry of promulgating five "myths" on BPA, charges that industry firmly denied ([Greenwire](#) , June 2).

Ken Cook, the president of the Environmental Working Group, expressed outrage yesterday about the chamber's letter.

"From climate change legislation, to affordable health care and paltry increases to the minimum wage, the U.S. Chamber of Commerce opposes virtually any initiative that would make our quality of life a little bit better, including EPA's efforts to protect children from toxic chemicals," Cook said. In addition to BPA and phthalates, the chamber urged OIRA to suspend consideration of all substances EPA wants to add to its chemicals of concern list. Those include substances that have long been the focus of environmental watchdogs like long-chain perfluorinated compounds (PFCs) -- which are used in nonstick and stain-resistant products -- and polybrominated diphenyl ethers (PBDEs) -- which are used in flame retardants.

[Click here](#) for the U.S. Chamber's letter.

**[Want to read more stories like this?](#)**

[Click here](#) to start a free trial to E&E -- the best way to track policy and markets.

### About Greenwire

Greenwire is written and produced by the staff of E&E Publishing, LLC. The one-stop source for those who need to stay on top of all of today's major energy and environmental action with an average of more than 20 stories a day, Greenwire covers the complete spectrum, from electricity industry restructuring to Clean Air Act litigation to public lands management. Greenwire publishes daily at Noon.

E&E Publishing, LLC  
122 C St., Ste. 722, NW, Wash., D.C. 20001.  
Phone: 202-628-6500. Fax: 202-737-5299.  
[www.eenews.net](http://www.eenews.net)

All content is copyrighted and may not be reproduced or retransmitted without the express consent of E&E Publishing, LLC. [Click here](#) to view our privacy policy.

01268-EPA-5688

Noah Dubin/DC/USEPA/US

To

06/13/2011 05:27 PM

cc

bcc Richard Windsor

Subject Tuesday, June 14, 2011 Schedule for Lisa P. Jackson

\*\*\* do not copy or forward this information \*\*\*

**Schedule for Lisa P. Jackson EPA Administrator  
Tuesday, June 14, 2011**

---

Notes:

Drivers

Shift Leaders

Staff Contact

(b) (6), (b) (7)(F)

Heidi Ellis 202-355-5212

08:45 AM - 09:15 AM	Administrator's Office	FYI Daily Briefing
09:30 AM - 10:00 AM	WH - Chief of Staff's Office	Meeting with Bill Daley, WH Chief of Staff Ct: (b) (6)
10:00 AM - 10:15 AM	White House	Depart for Ariel Rios
10:15 AM - 10:45 AM	Administrator's Office	Pre-Brief to Boiler MACT Meeting with Senators Ct: Arvin Ganesan 564-4741  Staff: Arvin Ganesan (OCIR) Scott Fulton (OGC) Gina McCarthy (OAR) Mathy Stanislaus (OSWER)  Optional: Diane Thompson, Bob Sussman (OA)
11:00 AM - 11:45 AM	Administrator's Office	Meeting with NRDC Ct: Willa 212-727-4465  NRDC Attendees:  Frances Beinecke, President  David Doniger - Policy Director, Climate  Dan Lashof - Director, Climate Center  David Hawkins - Director Climate Programs  Staff: Bob Sussman, John Reeder (OA) Joe Goffman (OAR)

Michael Goo (OP)  
 David McIntosh (OCIR)  
 Stephanie Owens (OEAE)  
 Scott Fulton, Avi Garbow (OGC)

11:45 AM - 12:00 PM	Ariel Rios	Depart for Dept. of Transportation
12:00 PM - 01:00 PM	DOT -Executive Dining Room, 1200 New Jersey Avenue, SE, Washington, DC	Lunch with Secretary Ray LaHood Ct: Ryan Robison - 202-564-2856
01:00 PM - 01:15 PM	Dept. of Transportation	Depart for Ariel Rios
01:15 PM - 02:00 PM	Administrator's Office	Senate Environment and Public Works Hearing Prep Ct: Noah Dubin 564-7314  Staff: Arvin Ganesan, Laura Vaught (OCIR)  Optional: Bob Sussman, Diane Thompson (OA)
02:15 PM - 02:45 PM	Administrator's Office	Meeting on Philadelphia's Combined Sewer Overflows Janice Donlon - 215-814-5565  Staff: Shawn Garvin, Jon Capacasa, Marcia Mulkey (R3) Cynthia Giles (OECA) Scott Fulton (OGC)  Optional: Diane Thompson, Bob Sussman, Janet Woodka (OA) Nancy Stoner, James Hanlon (OW)
02:45 PM - 03:15 PM	Administrator's Office	One on One with John Hankinson Ct: Caroline Whitehead 566-2907  Staff: John Hankinson (GCERTF)  Optional: Diane Thompson, Bob Perciasepe, Bob Sussman (OA)
03:15 PM - 03:35 PM	Ariel Rios	Depart for Residence
05:00 PM - 05:15 PM	By Phone	Call with Andrew Liveris, CEO of Dow Chemical Company Ct: Connie Bolzman - 989-636-3480

Staff:  
Bob Sussman (OA)

Optional:  
Diane Thompson (OA)

\*The Administrator will call 989-636-3480 to be connected to Mr. Liveris

---

05:50 PM - 06:15 PM	Residence	Depart for Cathedral AVE
---------------------	-----------	--------------------------

---

06:15 PM - 06:50 PM	1524 Cathedral Ave. NW	Book Party for Juliet Eilperin, Washington Post Seth Oster - 202-564-1918
---------------------	---------------------------	--

Staff:  
Seth Oster, Adora Andy, Brendan Gilfillan (OEAE)

Wendy Benchley and John Jeppson invite you to celebrate the launch of  
Juliet Eilperin's "Demon Fish: Travels Through the Hidden World of  
Sharks"

---

\*\*\* 06/13/2011 05:23:43 PM \*\*\*

01268-EPA-5689

**EPAExecSec**

Sent by: (b) (6) Personal Privacy

06/14/2011 05:22 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, David McIntosh, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Seth Oster, Stephanie Washington, Christopher Busch

cc

bcc

Subject Daily Reading File: June 14, 2011



Daily Reading File.6.14.11.pdf

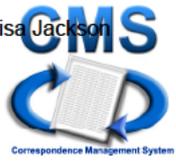




# Correspondence Management System

Control Number: AX-11-000-9457

Printing Date: June 14, 2011 01:01:21



Action By	Office	Action	Date
(b) (6) Privacy	OEX	Forward control to R4	Jun 14, 2011
(b) (6) Privacy	OEX	Control Taken Over	Jun 14, 2011
(b) (6) Privacy	OEX	Forward control to OW	Jun 14, 2011

## Comments

Commentator	Comment	Date
No Record Found.		

# DAILY READING FILE

All emails sent by "Richard Windsor" were sent by EPA Administrator Lisa Jackson

Release 4 - HQ-FOI-01268-12



City of Orange City • 205 East Graves Avenue • Orange City, Florida 32763 • 386-775-5400

June 1, 2011

Ms. Lisa P. Jackson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, Northwest  
Washington, DC 24060

Dear Ms. Jackson:

Please find enclosed a Petition from the City of Orange City requesting that the U.S. Environmental Protection Agency (EPA) withdraw its January 2009, determination that numeric nutrient criteria are necessary in Florida. It also requests that EPA restore to the state its responsibility for the control of excess nutrients, including the pursuit of nutrient criteria. We are confident that EPA will find the information in the petition compelling and grant the petition after review.

As clearly demonstrated by the petition, the State of Florida, including its citizenry, local governments and businesses, is very committed to addressing excess nutrients pollution. We look forward to your timely response.

Sincerely,

THE CITY OF ORANGE CITY

Harley Strickland,  
Mayor

enc.

cc: Senator Marco Rubio  
Senator Bill Nelson  
Representative Corrine Brown  
Representative John Mica

OFFICE OF THE  
EXECUTIVE SECRETARIAT

2011 JUN 13 PM 3:23

RECEIVED

Building  
386-775-5423

City Clerk  
386-775-5403

City Manager  
386-775-5408

Finance  
386-775-5430

Fire  
386-775-5460

Human Resources  
386-775-5457

Parks & Recreation  
386-775-5454

Planning  
386-775-5415

Police  
386-775-9999

Public Works  
386-775-5447

Utilities  
386-775-5444

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY

In re: Florida Department of Environmental  
Protection's Petition for Withdrawal of EPA's  
303(c)(4)(B) Determination for Florida,  
Repeal of 40 C.F.R. § 131.43, and  
Related Actions.

-----

**PETITION**

The City of Orange City, Florida hereby petitions the United States Environmental Protection Agency ("EPA") to take the following actions; 1) withdraw its January 2009, determination that numeric nutrient criteria are necessary in Florida; 2) initiate repeal of 40 C.F.R. § 131.43; 3) discontinue proposing or promulgating further numeric nutrient criteria in Florida; and 4) Respond to the Florida Department of Environmental Protection's Petition.

On March 16, 2011, EPA issued a memo to all EPA's Regional Administrators, entitled "Working in Partnership with States to Address Phosphorus and Nitrogen Pollution through Use of a Framework for State Nutrient Reductions" (the "EPA memo" or "March 16, 2011, memo") that details the elements "necessary for effective programs to manage nitrogen and phosphorus pollution," which is attached hereto as Attachment 1. The EPA memo provides a useful benchmark for evaluating the strength of a State's nutrient reduction program.

As demonstrated herein, Florida's program is one of the strongest in the country when measured against the elements set forth in the EPA memo, or by other objective standards. Based on the strength of Florida's nutrient pollution control program, which includes a commitment to nutrient standards, Orange City submits EPA should rescind its January 2009, determination. This action will reestablish the proper regulatory framework in Florida, whereby

States designate the uses of their waters and set criteria that are protective of those uses, and EPA should simply review the changes to water quality standards proposed by the States. 33 U.S.C. § 1313(a)(3)(A) and (c)(2)(A); *see also Natural Resources Defense Council v. U.S. E.P.A.*, 16 F.3d 1395, 1399 (4th Cir. 1993)("While the states and E.P.A. share duties in achieving this goal [of protecting water resources], primary responsibility for establishing appropriate water quality standards is left to the states. EPA sits in a reviewing capacity of the state-implemented standards, with approval and rejection powers only.").

Orange City requests that EPA respond to the Florida Department of Environmental Protection's Petition within 30 days. Failure of EPA to timely act can interfere with Orange City's ability to implement the activities described by this Petition. Additionally, granting this petition will confirm to the States that EPA is committed to a reasoned approach to evaluating the success of state programs and will stand behind the EPA Memo.

#### **Background**

According to EPA, Florida has one of the preeminent programs in the nation to address excess phosphorus and nitrogen pollution in its waters. "Florida is one of the few states that have in place a comprehensive framework of accountability that applies to both point and nonpoint sources and provides the enforceable authority to address nutrient reductions in impaired waters based upon the establishment of site specific total maximum daily loads." 75 Fed. Reg. 4174, 4175 (Jan. 26, 2010). As outlined below, in measuring Florida's program against the eight elements in the EPA memo, the State of Florida, in partnership with its regional water management districts and local governments, is a national leader in developing innovative and comprehensive tools and programs to detect, assess, prevent and/or remedy nutrient problems in the State's waters.

For instance, Florida has placed substantial emphasis on the monitoring and assessment of its waters as a cornerstone of its water quality program, and, as a result of this valuable objective, has collected significantly more water quality data than any other State. *See* EPA's January 14, 2009, Necessity Determination for Florida, p. 6. Greater than 30% of all water quality data in EPA's national water quality database, STORET, comes from Florida.<sup>1</sup> STORET, <http://www.epa.gov/storet>. Florida has used this extensive data to, among other things, accurately and scientifically assess whether individual waterbodies are impaired for nutrients; promulgate nutrient restoration goals first through Pollutant Load Reduction Goals ("PLRGs") and then through Total Maximum Daily Loads ("TMDLs"); calculate protective nutrient water quality-based effluent limits ("WQBELs") for NPDES dischargers; and adopt restoration plans setting forth restoration requirements on both point and nonpoint sources on a watershed-wide basis (i.e., Basin Management Action Plans ("BMAPs"), Surface Water Improvement and Management ("SWIM") plans, and legislatively-mandated plans for targeted waters).<sup>2</sup>

Overall, Florida's efforts have resulted in significant reductions in ambient phosphorus concentrations since the early 1980s despite the explosive growth of Florida's population during this same period. 2008 Integrated Water Quality Assessment for Florida: 305(b) Report and 303(d) List Update, p. 34, available at [http://www.dep.state.fl.us/water/docs/2008\\_Integrated\\_Report.pdf](http://www.dep.state.fl.us/water/docs/2008_Integrated_Report.pdf). However, Florida continues to further refine and enhance its programs and implement specific restoration plans high priority

---

<sup>1</sup> FDEP doesn't substitute quantity of sampling for the quality of those samples. Rather than accepting any collected sample, FDEP requires stringent quality assurance for water quality samples to be used for regulatory purposes. *See* Fla. Admin. Code Ch. 62-160.

<sup>2</sup> Florida has also utilized this extensive data in adopting a protective numeric phosphorus criterion for the Everglades Protection Area that has been upheld in both state and federal courts. *See* Fla. Admin. Code R. 62-302.540(4)(a).

watersheds to both protect its many healthy waters from nutrient impairment and achieve nutrient reductions in those that are impaired by nutrients so that water quality improvements are fully realized.

FDEP has also used the vast water quality data, collected at substantial cost to Florida taxpayers, to study the subtle relationships between nutrient concentrations and healthy aquatic ecosystems with the intention of deriving appropriate numeric nutrient criteria for its waters. As part of this process, FDEP has created a number of biological assessment tools, including the Stream Condition Index and the Lake Vegetation Index. FDEP has submitted to EPA statewide numeric nutrient criteria development plans to document its ongoing efforts, with the last development plan being submitted in March 2009.

Despite Florida's status as a national leader in nutrient reduction efforts and FDEP's great progress on the complex science needed to support defensible numeric nutrient criteria, on January 14, 2009, EPA, under the previous administration, issued a § 303(c)(4)(B) determination that numeric nutrient criteria were necessary in the State of Florida, but in no other State.<sup>3</sup> The 2009 "necessity" determination led to EPA settling a frivolous lawsuit alleging that EPA had already made such a necessity determination in its 1998 Clean Water Action Plan. The settlement agreement was subsequently memorialized as a Consent Decree in *Florida Wildlife*

---

<sup>3</sup> While the necessity determination implies that Florida's situation is unique, excess nutrients are a problem in every State. *See, e.g.*, USGS Circular 1350: Nutrients in the Nation's Streams and Groundwater, 1992-2004 (2010), available at <http://pubs.usgs.gov/circ/1350/pdf/circ1350.pdf>. EPA has not utilized its 303(c)(4)(B) authority to promulgate numeric nutrient criteria elsewhere and has declined to set numeric nutrient standards in the Mississippi River basin even though EPA has been petitioned twice (in 2003 and 2008) to do so. *See* EPA's Response to Sierra Club Petition Regarding Defined Portions of the Mississippi and Missouri Rivers, available at <http://water.epa.gov/scitech/swguidance/standards/SierraClub.cfm>; and Petition to Establish Numeric Nutrient Standards for the Mississippi River, available at <http://www.cleanwaternetnetwork.org/resources/petition-establish-numeric-standards-and-tmdls-nitrogen-and-phosphorous>.

*Federation v. Jackson*, Case No. 08-00324, Consent Decree, DE 153 (N.D. Fla. December 30, 2009), and is currently on appeal. FDEP was not a party to that litigation and did not participate in the negotiations resulting in the settlement and consent decree.

Pursuant to the settlement agreement, on December 6, 2010, EPA promulgated numeric nutrient criteria for Florida's lakes and flowing waters. 75 Fed. Reg. 75762 (Dec. 6, 2010) (codified at 40 C.F.R. §131.43). EPA remains obligated to propose numeric nutrient criteria for the remainder of Florida's waters (except for wetlands) by November 14, 2011, and finalize those numbers in rule by August 15, 2012. *See Florida Wildlife Federation*, Joint Notice to the Court of Extension of Consent Decree Deadlines, DE 184 (N.D. Fla. June 7, 2010).

Orange City urges EPA to withdraw its determination. This action will allow Florida to address nitrogen and phosphorus pollution through State and local programs, including the FDEP's pursuit of nutrient water quality standards.

### **Overview of Florida's Nutrient Reduction Program**

The State of Florida has a comprehensive set of legislatively mandated programs, implemented at the State, regional and local levels, which work in unison to protect waters from nutrient pollution and reduce nutrient loading from all sources of pollution, not just federally-regulated point sources. The core of Florida's program focuses on NPDES permitting with appropriate effluent limits,<sup>4</sup> extensive monitoring of its waters, identification of those waters that are impaired, setting load reduction targets for those waters identified as impaired, and implementing watershed restoration plans covering both point and nonpoint sources. Over the

---

<sup>4</sup> For wastewater sources that discharge nutrients, WQBELs are specifically derived to protect State waters from nutrient impairment under "worst case" conditions. *See* Fla. Admin. Code R. 62-650.300(3)(h). Before FDEP is able to issue a wastewater permit, the permit applicant must provide upfront "reasonable assurance" that the permittee can meet all conditions in their permit, including the permit effluent limit—a more rigorous permitting standard than contained within the Clean Water Act. *Compare* Fla. Admin. Code R. 62-620.320(1) with 40 C.F.R. § 122.44(d).

years, Florida has expended great time and resources in undertaking these activities. While many of these efforts emanate from the typical Clean Water Act NPDES and TMDL programs, there are a number of programs unique to Florida that complement the standard Clean Water Act tools and in many instances go far beyond the mandates of the Clean Water Act.

For instance, under the Clean Water Act, once a TMDL is set and incorporated into NPDES permits, mandated federal actions are at an end. No comprehensive implementation plan is required. *See* EPA's TMDL website, available at <http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/glossary.cfm> ("Current 303(d) regulations do not require implementation plans, though some state regulations do require an implementation plan for a TMDL."); *see also* *Sierra Club v. Meiburg*, 296 F.3d 1021 (11th Cir. 2002). Florida, on the other hand, has a number of watershed-based approaches that result in restoration plans covering both point *and* nonpoint sources. These watershed plans include BMAPs, SWIM plans, and legislatively-mandated restoration efforts directed at a number of specific watersheds like the Everglades and Lake Okeechobee. *See, e.g.*, §§ 373.451 - .4595 and 403.067(7), Fla. Stat.

Florida has already adopted aggressive nutrient load reduction limits for major waterbodies across the State through its TMDL and SWIM programs. Currently, there are 135 adopted nutrient TMDLs and 47 SWIM plans (many with PLRGs) for major waterbodies including: Lake Okeechobee, the Caloosahatchee Estuary, the St. Lucie Estuary, the Indian River Lagoon, Tampa Bay, the Lower St. Johns River, the Suwannee River, the Santa Fe River, the Ocklawaha Chain of Lakes, the Winter Haven Chain of Lakes, Lake Jesup, and many first magnitude springs across the State including Manatee, Fanning, and Wekiva Springs. Florida has also established comprehensive restoration and/or protection plans for most of our high priority waters including the Everglades, Lake Okeechobee, the St. Johns River and Estuary, the

Ocklawaha Chain of Lakes, Tampa Bay, Sarasota Bay, and the Florida Keys coastal waters, among others.

These efforts, combined with the point and nonpoint source strategies discussed below, already have shown significant, positive results in many of Florida's watersheds. EPA itself has documented a number of Florida's nutrient reduction successes including Lake Apopka, Tampa Bay, Sarasota Bay and Indian River Lagoon. *See* EPA Region 4's Watershed Improvement Summaries, [http://www.epa.gov/region4/water/watersheds/watershed\\_summaries.html#fl](http://www.epa.gov/region4/water/watersheds/watershed_summaries.html#fl).

Moreover, Florida has a number of nationally preeminent programs including its long-standing post-construction stormwater program for all new or modified development (since 1981), its land purchasing program (protecting over 5.3 million acres of land to date representing 15% of the State – Florida spent more than any other State in the nation to acquire conservation lands from 1998-2005), and its reuse of reclaimed water. Florida also has a broad agricultural nonpoint source program setting forth best management practices (“BMPs”) for most of the primary agricultural commodities in the State as well as BMPs specific to targeted areas of the State. All of these programs, as well as others, complement one another and result in Florida’s Nutrient program being, unquestionably, a national leader.

These various programs are further discussed below in the context of evaluating Florida's water quality program pursuant to the EPA memo.

**Florida Has as a Strong Nutrient Reduction Program as Measured Against EPA's March 16, 2011 Memo or Any Other Objective Standard**

EPA's March 16, 2011, memo outlines eight minimum elements needed in a comprehensive State nutrient reduction program. Florida undoubtedly exceeds all eight of these requirements, and is a national leader in most of those categories.

Once FDEP completes its rulemaking, EPA obviously maintains its authority to review any proposed criteria resulting from the State process. 33 U.S.C. § 1313(c). Consequently, if EPA

were to withdraw its necessity determination, it would not relinquish total authority to Florida. This significant step would once again allow Florida to regain its primary responsibility for standard setting, as Congress unambiguously envisioned within the Clean Water Act.

**EPA Should Withdraw Its Necessity Determination and, Consequently, Repeal 40 C.F.R. §131.43 and Refrain from Proposing Other Numeric Criteria in Florida**

EPA's purported willingness to give flexibility to States, like Florida, that have in place the framework for achieving nutrient reductions, is not consistent with EPA's 2009 necessity determination for Florida. Measured against EPA's March 16, 2011 memo, the State of Florida has in place a framework for achieving nitrogen and phosphorus reductions and control that is among the best in the nation. It is therefore reasonable to conclude that EPA's 2009 necessity determination should not have singled out Florida. To rectify this discrepancy, EPA must withdraw its necessity determination and has good reason to do so.

Because the necessity determination is essential for EPA's promulgation of numeric nutrient criteria in Florida's lakes and flowing waters, withdrawal of the determination will require EPA to repeal 40 C.F.R. § 131.43. Withdrawal will also relieve EPA from proposing and promulgating numeric nutrient criteria for Florida's estuaries, coastal waters and south Florida canals.

It is well-recognized that federal agencies may change their mind and alter their previous agency actions. *Mactal v. Chao*, 286 F.3d 822, 825-26 (5th Cir. 2002). As explained by the United States Supreme Court, an agency "faced with new developments or in light of reconsideration of the relevant facts and its mandate, may alter its past interpretation and overturn past administrative rulings and practice." *American Trucking Ass'ns v. Atchison, Topeka, and Santa Fe Railway Co.*, 387 U.S. 397, 416 (1967); see also *Motor Vehicle Mfrs. Ass'n of United States, Inc. v. State Farm Mut. Automobile Ins. Co.*, 463 U.S. 29, 41-42 (1983); *Dun & Bradstreet Corp. Found. v. United*

*States Postal Service*, 946 F.2d 189, 193 (2d Cir. 1991) ("It is widely accepted that an agency may, on its own initiative, reconsider its interim or even its final decisions, regardless of whether the applicable statute and agency regulations expressly provide for such review."). EPA has asserted that § 303(c)(4)(B) necessity determinations are discretionary action not subject to judicial review. See EPA's Motion to Dismiss Cross-Claim and EPA's Motion for Judgment on the Pleadings on Counts I, III and IV of FCG's and FWEAUC's First Amended Complaint, Case No. 08-00324, DE 151 and 214 (N.D. Fla.); and EPA's Motion to Dismiss, Case No. 09-00428, DE 13 (N.D. Fla. Dec. 22, 2009). Accepting EPA's assertion, the Agency has broad discretion to withdraw that same action. Even if EPA's withdrawal action is reviewable, the reasons for the change in agency action need be no better or worse than the justifications for the original agency course. *F.C.C. v. Fox Television Station, Inc.*, 129 S. Ct. 1800, 1810-11 (2009).

EPA is not irrevocably bound by the previous administration's January 2009 necessity determination. See *National Cable & Telecommunications Ass'n v. Brand X Internet Services*, 545 U.S. 967, 981 (2005) (Reflecting that a change in administration can prompt reevaluation of the previous administration's actions). To the contrary, withdrawal of the necessity determination is warranted based solely on the demonstrated strength of Florida's nutrient reduction program. However, the change in EPA's administration, the recent issuance of the EPA memo, and FDEP's commitment to expeditiously promulgate nutrient criteria are additional changed circumstances that warrant rescinding of EPA's necessity determination. Withdrawal will also enable FDEP to proceed with its proposed rule adoption schedule without the added complication of overlapping federal rulemaking authority.

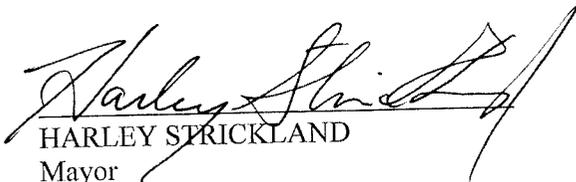
### Conclusion

Florida's comprehensive nutrient reduction program is among the upper echelon of programs in the nation. FDEP is also committed to further its comprehensive program by pursuing nutrient

criteria under state law. For these reasons and the other grounds articulated in this Petition, Orange City requests that EPA withdraw its January 2009 necessity determination and take the steps necessary to relieve the Agency from the obligation to propose, promulgate, or implement numeric nutrient criteria in Florida. Granting this request will serve as a clear, positive affirmation of EPA's expectation of States consistent with the March 16, 2011, memorandum

RESPECTFULLY SUBMITTED the 22<sup>nd</sup> day of May 2011.

CITY OF ORANGE CITY

  
HARLEY STRICKLAND  
Mayor

  
O. WILLIAM CRIPPEN  
Vice-Mayor

City of Orange City  
205 East Graves Avenue  
Orange City, Florida 32763



# Correspondence Management System

Control Number: AX-11-000-9460

Printing Date: June 14, 2011 01:03:06



## Citizen Information

**Citizen/Originator:** Hite, William P

**Organization:** United Association of Journeyman and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada  
**Address:** Three Park Place, Annapolis, MD 21401

**Constituent:** N/A

**Committee:** N/A **Sub-Committee:** N/A

## Control Information

**Control Number:** AX-11-000-9460 **Alternate Number:** N/A  
**Status:** Pending **Closed Date:** N/A  
**Due Date:** Jun 28, 2011 **# of Extensions:** 0  
**Letter Date:** Jun 7, 2011 **Received Date:** Jun 14, 2011  
**Addressee:** AD-Administrator **Addressee Org:** EPA  
**Contact Type:** LTR (Letter) **Priority Code:** Normal  
**Signature:** AA-OAR-Assistant Administrator **Signature Date:** N/A  
- OAR

**File Code:** 404-141-02-01\_141\_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

**Subject:** Daily Reading File- I am writing to request your assistance in expediting the U.S. Environmental Protection Agency's approval of major and minor source air permits for Shell Offshore, Inc's. Frontier Discoverer

**Instructions:** AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR

**Instruction Note:** N/A

**General Notes:** N/A

**CC:** OAR - Office of Air and Radiation -- Immediate Office  
OEAE - Office of External Affairs and Environmental Education  
R10 - Region 10 -- Immediate Office

## Lead Information

**Lead Author:** N/A

**Lead Assignments:**

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Privacy	OEX	R10	Jun 14, 2011	Jun 28, 2011	N/A
<b>Instruction:</b> N/A					

## Supporting Information

**Supporting Author:** N/A

**Supporting Assignments:**

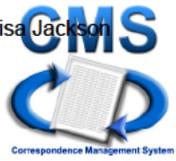
Assigner	Office	Assignee	Assigned Date
No Record Found.			



# Correspondence Management System

Control Number: AX-11-000-9460

Printing Date: June 14, 2011 01:03:06



## History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Assign OAR as lead office	Jun 14, 2011
(b) (6) Privacy	OEX	Control Taken Over	Jun 14, 2011
(b) (6) Privacy	OEX	Assign R10 as lead office	Jun 14, 2011

## Comments

Commentator	Comment	Date
	No Record Found.	

# DAILY READING FILE



Release 4 - HQ-FOI-01268-12

All emails sent by Richard Windsor were sent by EPA Administrator Lisa Jackson

## United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada

Three Park Place • Annapolis, Maryland 21401  
(410) 269-2000 • Fax (410) 267-0262 • <http://www.ua.org>

William P. Hite  
General President

Patrick R. Perno  
General Secretary-Treasurer

Stephen F. Kelly  
Assistant General President

Founded 1889

General Office File Reference: WPH

June 7, 2011

Lisa P. Jackson, Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

2011 JUN 13 PM 3:24  
RECEIVED  
OFFICE OF THE  
EXECUTIVE SECRETARIAT

Re: Air Permits for Shell's Frontier Discoverer and Kulluk Exploratory Programs

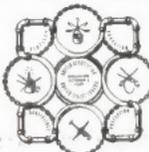
Dear Administrator Jackson:

On behalf of the 340,000 members of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry ("United Association"), I am writing to request your assistance in expediting the U.S. Environmental Protection Agency's ("EPA") approval of major and minor source air permits for Shell Offshore, Inc.'s Frontier Discoverer and Kulluk exploratory drilling programs, respectively, which have been pending for more than 5 years due to protracted cycles of review and appeal. The United Association strongly supports these exploratory programs because of their potential to create tens of thousands of U.S. jobs per year, generate billions in federal revenue that may help to prevent cuts to critical government programs, and the ability of these programs to help reduce our dependence on Middle Eastern oil. We appreciate the need for careful environmental review of these programs, but at a time of 20 percent unemployment in the construction industry, sizable federal budget deficits and high energy prices, we cannot afford to delay them any longer.

As you are aware, the Frontier Discoverer and Kulluk programs would conduct exploratory drilling on Alaska's Outer Continental Shelf ("OCS") in the Chukchi and Beaufort Seas, an area which is incredibly important to America's long-term energy security. U.S. government forecasts indicate that we will need oil and natural gas supplies to meet more than half of our energy needs through 2035, even as we explore alternative sources of energy.<sup>1</sup> However, our ability to secure the oil and gas we need is ever more constrained by the energy demands of economies such as China and India and the supply-side uncertainties associated with geopolitical instability in the Middle East. With an estimated 27 billion barrels of oil and 127 trillion cubic feet of natural gas, Alaska's OCS offers us needed security in the face of such challenges.<sup>2</sup> Given the impact high energy prices are already having on American families and the economy, the U.S. has an obligation to support the development of such domestic sources.

<sup>1</sup> See U.S. Energy Information Administration, Annual Energy Outlook 2011 (with Projections to 2035), at [http://www.eia.doe.gov/forecasts/aeo/pdf/0383\(2011\).pdf](http://www.eia.doe.gov/forecasts/aeo/pdf/0383(2011).pdf).

<sup>2</sup> U.S. Department of the Interior Minerals Management Service, Report to Congress: Comprehensive Inventory of U.S. OCS Oil and Natural Gas Resources, Feb. 2006, available at <http://www.boemre.gov/revaldiv/PDFs/FinalInventoryReportDeliveredToCongress-corrected3-6-06.pdf>





Lisa P. Jackson, Administrator  
 U.S. Environmental Protection Agency  
 Page Number 2  
 June 7, 2011

As noted, the Frontier Discoverer and Kulluk programs would also generate a tremendous number of U.S. jobs – good, high quality jobs – as well as other important economic benefits at a time when they are desperately needed. In fact, a recent study by the economics consulting firm Northern Economics and the University of Alaska-Anchorage's Institute of Social and Economic Research (ISER) found that economic activity associated with the development of the OCS in the Chukchi and Beaufort Seas would generate nearly 55,000 jobs per year throughout the U.S., with an estimated payroll totaling \$145 billion over the next 50 years.<sup>3</sup> In addition to the jobs and added income generated, development of the OCS in the Chukchi and Beaufort Seas would produce nearly \$195 billion in government revenue by 2057.<sup>4</sup> These benefits would accrue not just to Alaskans, but to American families throughout the lower forty-eight states as well.<sup>5</sup>

In summary, there are compelling grounds to move these programs forward as soon as possible and we would appreciate any assistance EPA could lend to this effort. We understand that EPA currently expects to deliver the Frontier Discoverer and Kulluk permits on September 8 and October 14, respectively. However, in light of the delays to date and the substantial jobs and other economic benefits that would be lost in the interim, we would appreciate a meeting with you to discuss how approval of these permits might be expedited. Rick Terven, Sr., our Political and Legislative Affairs Director, would be among the United Association officers participating in the meeting and can be reached to schedule a meeting date and time at (410) 269-2000.

Thank you very much for your time and attention in this matter. We look forward to hearing from you.

Sincerely yours,

William P. Hite  
 General President

<sup>3</sup> Northern Economics and the University of Alaska-Anchorage Institute of Social and Economic Research, Potential National-Level Benefits of Alaska OCS Development, February 2011, at ES-3, available at <http://www.northerneconomics.com/pdfs/ShellOCS/National%20Effects%20Report%20FINAL.pdf>.

<sup>4</sup> *Id.* at 18.

<sup>5</sup> *Id.* at ES-3.



# Correspondence Management System

Control Number: AX-11-000-9464

Printing Date: June 14, 2011 02:53:12



## Citizen Information

Citizen/Originator: Atwater, Jeff

Organization: State of Florida  
Address: The Capitol, 200 East Gaines Street, Tallahassee, FL 32399-0301

Constituent: N/A

Committee: N/A Sub-Committee: N/A

## Control Information

Control Number: AX-11-000-9464 Alternate Number: N/A  
Status: Pending Closed Date: N/A  
Due Date: Jun 29, 2011 # of Extensions: 0  
Letter Date: Jun 3, 2011 Received Date: Jun 14, 2011  
Addressee: AD-Administrator Addressee Org: EPA  
Contact Type: LTR (Letter) Priority Code: Normal  
Signature: AA-OW-Assistant Administrator -Signature Date: N/A  
OW

File Code: 404-141-02-01\_141\_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: DRF - Ask that EPA adopt the Florida Department of Environmental Protection's petition dated April 22, 2011, requesting that EPA rescind its determination letter regarding numeric nutrient criteria, and allow DEP to resume its state rulemaking to establish numeric nutrient criteria

Instructions: AA-OW-Prepare draft response for signature by the Assistant Administrator for OW

Instruction Note: N/A

General Notes: N/A

CC: OCFO - OCFO -- Immediate Office  
OCIR - Office of Congressional and Intergovernmental Relations  
OEAE - Office of External Affairs and Environmental Education  
OP - Office of Policy  
R4 - Region 4 -- Immediate Office

## Lead Information

Lead Author: N/A

### Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Privacy	OEX	OW	Jun 14, 2011	Jun 29, 2011	N/A
Instruction: AA-OW-Prepare draft response for signature by the Assistant Administrator for OW					
Wanda Fields	OW	OW-OST	Jun 14, 2011	Jun 27, 2011	N/A
Instruction: Cc: Stoner, Shapiro, Schneider, Peck, Gillinsky, Lousberg					

## Supporting Information

Supporting Author: N/A



# Correspondence Management System

Control Number: AX-11-000-9464

Printing Date: June 14, 2011 02:53:12



## Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

## History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Assign OW as lead office	Jun 14, 2011
Wanda Fields	OW	Accepted the group assignment	Jun 14, 2011
Wanda Fields	OW	Assign OW-OST as lead office	Jun 14, 2011

## Comments

Commentator	Comment	Date
No Record Found.		

**DAILY READING FILE**

All emails sent by "Richard Windsor" were sent by EPA Administrator Lisa Jackson

CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

RECEIVED

2011 JUN 13 PM 3:23

OFFICE OF THE  
EXECUTIVE SECRETARIAT

June 3, 2011

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

Dear Administrator Jackson:

I am writing today to join the many Florida voices in asking EPA to adopt the Florida Department of Environmental Protection's petition dated April 22, 2011, requesting that EPA rescind its determination letter regarding numeric nutrient criteria, and allow DEP to resume its state rulemaking to establish numeric nutrient criteria. As Florida's Chief Financial Officer, I sit with the Governor and the other two state-wide elected officials as members of the Board of Trustees of the Internal Improvement Trust Fund, the body which is responsible for protecting Florida's waters and lands. As Florida's fiscal watchdog, while I am committed to ensuring that our waters and land are protected, preserved and restored for future generations, I am equally committed to protecting Florida businesses and families from the potential financial consequences of a federal rule that is not warranted.

It is extremely troubling that EPA proposed numeric nutrient criteria for a state renowned throughout the United States as being a leader for its water quality monitoring, research and regulatory programs. In the last three years alone, Florida has spent over \$127 M conducting extensive scientific research and analysis on nutrients. In contrast, with little science to back it, EPA proposed a rule for Florida and completed an economic analysis that estimated implementation costs radically lower than any other analyses done, including one by the Florida Department of Environmental Protection (DEP). While the EPA estimated the projected annual cost of complying with the EPA's rivers, streams and lakes criteria to be between \$135-\$206M, DEP estimates that annual costs to businesses, utilities and ultimately citizens more likely to be around \$5.7 B but possibly as high as \$8.4 B. It is alarming that the average household in Florida could pay between \$657-\$962 annually for new standards that can't be defended scientifically.

While I am pleased that EPA submitted its economic analysis to an independent body to produce more accurate estimates, new estimates are not the answer to the larger problem of EPA taking over the numeric nutrient criteria program from Florida, a state that leads the nation in this work.

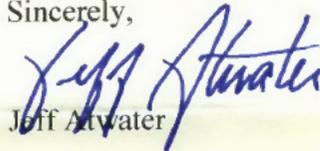
Ms. Lisa Jackson  
June 3, 2011  
Page 2

It is undisputed that Florida has one of the most extensive and comprehensive nutrient reduction as well as water quality data collection programs in the United States. For years, DEP has extensively monitored its lakes, rivers and streams and has established over 130 site-specific total maximum daily loads (TMDLs). In addition, since the late 1980s, Florida has finalized surface water improvement and management (SWIM) plans. These plans are important in that they developed pollutant load reduction goals (PLRGS) for the waterbodies in the restoration areas. Today Florida has SWIM plans for 47 waterbodies which contain pollutant load reduction goals. In addition, the Department of Agriculture and Consumer Services has spent over ten years working with farmers, cattlemen and other large landowners to implement best management practices (BMPS) for their operations. Collectively, Florida's waterbodies have improved as a result of all the work and effort of state and regional agencies to reduce nutrient levels to ensure healthy aquatic ecosystems.

A memo from EPA acting Assistant Administrator Stoner dated March 16, 2011, sets forth eight elements each state should consider for managing phosphorus and nitrogen pollution. Again, Florida has existing programs in place to address each of the eight items. DEP's petition summarizes how Florida meets each of those elements.

The bottom line is that hard-working Floridians can't afford to pay one more dime for overzealous regulation. Decisions made at the federal level must be scientifically defensible and should not break the backs of citizens who pay for those decisions. DEP must be allowed to resume its rule-making activities and to establish criteria using its vast scientifically determined database of Florida waters.

Sincerely,



Jeff Atwater

JA/ygr



# Correspondence Management System

Control Number: AX-11-000-9467

Printing Date: June 14, 2011 12:04:29



## Citizen Information

Citizen/Originator: **Berry, John**

Organization: United States Office of Personnel Management  
Address: 1900 E Street, NW, Washington, DC 20415

**Zients, Jeffrey D**

Organization: Office of Management and Budget  
Address: 725 17th St., NW, Washington, DC 20503

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

## Control Information

<b>Control Number:</b>	AX-11-000-9467	<b>Alternate Number:</b>	N/A
<b>Status:</b>	For Your Information	<b>Closed Date:</b>	N/A
<b>Due Date:</b>	N/A	<b># of Extensions:</b>	0
<b>Letter Date:</b>	Jun 10, 2011	<b>Received Date:</b>	Jun 14, 2011
<b>Addressee:</b>	AD-Administrator	<b>Addressee Org:</b>	EPA
<b>Contact Type:</b>	MEM (Memo)	<b>Priority Code:</b>	Normal
<b>Signature:</b>	SNR-Signature Not Required	<b>Signature Date:</b>	N/A
<b>File Code:</b>	401_127_a General Correspondence Files Record copy		
<b>Subject:</b>	DRF - Guidance on Awards for Fiscal Years 2011 and 2012		
<b>Instructions:</b>	For Your Information -- No action required		
<b>Instruction Note:</b>	N/A		
<b>General Notes:</b>	N/A		
<b>CC:</b>	OCFO - OCFO -- Immediate Office		

## Lead Information

Lead Author: N/A

### Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

## Supporting Information

Supporting Author: N/A

### Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OARM	Jun 14, 2011

## History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Forward control to OARM	Jun 14, 2011

# DAILY READING FILE



UNITED STATES  
OFFICE OF PERSONNEL MANAGEMENT

OFFICE OF MANAGEMENT  
AND BUDGET



June 10, 2011

## MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: JOHN BERRY *John Berry*  
DIRECTOR  
U.S. OFFICE OF PERSONNEL MANAGEMENT

JEFFREY ZIENTS *Jeff Zients*  
DEPUTY DIRECTOR FOR MANAGEMENT  
AND CHIEF PERFORMANCE OFFICER  
U.S. OFFICE OF MANAGEMENT AND BUDGET

Subject: Guidance on Awards for Fiscal Years 2011 and 2012

Federal agencies are authorized to grant awards to their employees to recognize and reward excellence in performance. Given the current fiscal environment, and the budget constraints agencies will operate under for the remainder of fiscal year 2011, as well as those reflected in the President's fiscal year 2012 budget proposal, these awards must be carefully considered. It is critical that these awards be managed in a manner that is cost-effective for agencies and successfully motivates strong employee performance.

When the President made the decision to propose a two-year pay freeze beginning in January 2011, he directed the Office of Personnel Management (OPM) and the Office of Management and Budget (OMB) to evaluate the system of performance awards and incentives for cost and effectiveness. Consistent with previous Government Accountability Office reviews of Federal agencies' use of awards and incentives, we have identified a number of concerning trends. In many cases, awards are broadly and inconsistently allocated and some Federal employees have come to expect awards as part of their compensation. At the same time, recent survey results show that a large number of both agency managers and employees do not perceive the current employee performance management/award systems to be fair or accurately reflect differences in performance levels.

As a result of these findings, and in keeping with the need to manage budget resources carefully, OPM and OMB are issuing this memorandum on budgetary limits on individual awards during fiscal years 2011 and 2012. This memorandum provides guidance applicable to all departments and agencies (referred to collectively as agencies), was developed in consultation with the President's Management Council, and has been informed by a review of recent agency award practices. This guidance specifically calls on agencies to adopt more rigorous employee performance management processes that incorporate consistent supervisor communication and feedback, establish accountability at all levels, and provide transparent and credible appraisal systems. To assist agencies in this effort, OPM and OMB are working with agency Chief

Human Capital Officers and the National Council on Federal Labor-Management Relations to identify best practices for improving the employee performance management system so that the performance appraisal and award systems fairly reflect performance distinctions and effectively motivate employees.

While implementing this guidance, agency executives retain flexibility to allow for group and individual recognition in ways that are meaningful, fair, and clearly distinguish levels of performance. In exercising their discretion in this area, agencies are reminded to honor all collective bargaining obligations and discuss agency award programs in agency labor-management forums.

#### **Budgetary Limitations for Awards Granted during Fiscal Years 2011 and 2012**

Agencies must reduce total spending on individual performance awards for members of the Senior Executive Service (SES) and senior-level and scientific and professional employees (SL/ST) to no more than five percent of aggregate salaries. Agencies must also reduce award spending for non-SES/SL/ST performance awards and individual contribution awards (e.g., special act) for all employees to no more than one percent of their aggregate salaries. These award spending targets apply for awards with effective dates during fiscal year 2012, with progress toward that level in fiscal year 2011, as reported to OPM under the agencies' regular reporting procedures.

A review of recent and historical Government-wide spending formed the basis for setting these limits, which preserve agency flexibility to decide which specific awards within their programs to fund and at what levels. For many agencies, these award limits will require a reduction from current award spending levels. Agencies already spending at or below these levels must continue to limit spending to their fiscal year 2010 levels. In implementing these limitations, agencies should provide for equitable distribution of awards between managers/supervisors and non-supervisory employees.

These budgetary limitations do not apply to political appointees. The President's August 3, 2010, memorandum freezing discretionary awards, bonuses, and similar payments for political appointees applies through the end of fiscal year 2011. Agencies should continue to apply this freeze in fiscal year 2012 in accordance with OPM's guidance at <http://www.chcoc.gov/Transmittals/TransmittalDetails.aspx?TransmittalID=3060>.

#### **Covered Awards**

The budgetary limits specified in this memorandum apply to spending for individual awards only, which include rating-based performance awards and individual special act awards. Other awards and incentives are frozen at fiscal year 2010 spending levels, except travel savings and foreign language awards. Agencies are encouraged to leverage existing award programs to reward employees who identify improvements that result in documented, validated cost savings and productivity improvements. An emphasis on awards of this nature is particularly important in light of the fiscal challenges we are facing.

Recruitment, relocation, and retention incentives are not awards and are not covered by the budgetary limits. However, agencies are expected to ensure prospectively that spending on these incentives in calendar year 2011 and calendar year 2012, respectively, does not exceed calendar year 2010 levels. Quality step increases are another rating-based payment that does not constitute an award. These payments are not covered by the one percent budgetary limit; however, agencies may not exceed their 2010 fiscal year spending levels on quality step increases granted during fiscal years 2011 and 2012.

#### **Exclusions**

The budgetary limits specified in this memorandum are intended to apply to all awards programs in Executive branch agencies covering members of the SES and non-SES civilian employees, including SL/ST, wage grade and others. Agencies have the flexibility, however, to apply these budgetary limits to awards programs for other employees to accommodate current budget constraints. Agency Chief Human Capital Officers and/or Human Resources Directors should contact Stephen T. Shih, Deputy Associate Director for Executive Resources and Employee Development, in OPM's Employee Services by telephone at (202) 606-8046 or by e-mail at [perform-mgmt@opm.gov](mailto:perform-mgmt@opm.gov) immediately if an agency believes a specific awards program is excluded from the spending limits specified in this memorandum. Furthermore, if an agency determines to exclude a specific awards program, the agency must report its determination to the Director of OPM by submitting an email detailing the justification for the exclusion to [perform-mgmt@opm.gov](mailto:perform-mgmt@opm.gov).

#### **Effective Date**

The budgetary limits specified in this memorandum take effect as of the date of this memorandum and remain in effect for awards with effective dates during fiscal year 2012, with progress toward the limits for awards with effective dates in fiscal year 2011, as reported to OPM under the agencies' regular reporting procedure.

#### **Additional Information**

Agency Chief Human Capital Officers (CHCOs) and/or Human Resources Directors should contact OPM's Employee Services, Executive Resources and Employee Development, at the above number or email address for additional information. Employees should contact their agency human resources offices for assistance.

#### **Attachment**

cc: Chief Human Capital Officers  
Human Resources Directors

## QUESTIONS AND ANSWERS

## GUIDANCE MEMORANDUM ON AWARDS FOR FISCAL YEARS 2011 AND 2012

\* \* \* \* \*

**Q1. Why are OPM and OMB imposing limitations on agency awards budgets?**

**A1.** The President directed OMB and OPM to evaluate the system of performance awards and incentives for cost and effectiveness. In keeping with the President's message on the pay freeze and recognizing the need to address the current fiscal reality, OMB and OPM reviewed current agency spending on these awards in consultation with the President's Management Council (PMC) and determined that the award restrictions described in this memorandum are appropriate at this time. OMB and OPM will continue to work with the PMC, agency Chief Human Capital Officers, and the National Council on Federal Labor-Management Relations to identify best practices for improving the employee performance management system so that the employee performance appraisal and award systems fairly reflect performance distinctions and effectively motivate agency employees.

**Q2. What limits are being imposed?**

**A2.** Agencies must reduce total awards spending as follows:

- Agencies may spend no more than five percent of the aggregate salaries of their career executives at the end of the previous fiscal year on individual performance awards for members of the Senior Executive Service (SES)
- The same five percent of aggregate salary limit will apply to performance awards for senior-level and scientific and professional employees (SL/ST)
- For non-SES/SL/ST employees, agencies may spend no more than one percent of the aggregate salaries of those employees at the end of the previous fiscal year on individual performance awards
- In addition, the one percent limit applies to awards spending for individual contribution awards (e.g., special act) for all employees and executives.
- These limits apply during fiscal year 2012, with interim progress expected in fiscal year 2011.

**Q3. How will agencies report on their adherence to these budget limits?**

**A3.** OPM will use data from agencies' usual reporting procedures to confirm agency awards spending. Agencies already report awards to the Central Personnel Data File/Enterprise Human Resources Initiative using specified nature of action codes. They also report SES/SL/ST rating, pay, and awards data to OPM through the annual data call.

**Q4. How do agencies calculate the aggregate salaries used as the basis for these limits?**

A4. Agencies should use the aggregate salaries at the end of the previous fiscal year as the basis for calculating these limits. This is the methodology in statute for calculating the SES performance award funding. In addition, there is further instruction provided in regulation at 5 CFR 534.405(b)(2) for identifying which salaries are used. This approach will provide agencies with a consistent approach and known salary figure to use. Individual awards subject to pre-existing collective bargaining agreements and which conflict with budgetary limits will be excluded from calculations for awards spending.

**Q5. Does the five percent limit on SES/SL/ST performance awards include the Presidential Rank Awards?**

A5. No; the limit on performance awards applies only to those awards based on the most recent rating of record. Agencies will continue to budget separately for these awards but should consider their nominations very carefully during these times of tight fiscal constraints and limit them accordingly.

**Q6. Which awards are subject to this limitation?**

A6. These budgetary limits apply to individual awards only. Other awards and incentives are frozen at 2010 spending levels, except for travel savings and foreign language awards.

**Q7. What is meant by individual awards?**

A7. For the purpose of addressing our current fiscal reality, we have designated the following awards as individual awards:

- **Individual Performance Rating-Based Cash Awards** – recognize the overall performance of individual employees and are granted on the basis of a rating of *Fully Successful* or higher. These awards are the SES performance awards paid under 5 U.S.C. 5384 and 5 C.F.R. 534.405, as well as the rating-based awards paid under 5 U.S.C. 4505a and 5 C.F.R. 451.104(a)(3) and 451.101(e) or comparable awards under similar legal authority.
- **Individual Contribution Awards** – recognize individuals who have made specific contributions that exceeded normal job requirements or performed a special act or service (e.g., spot awards). These awards are the single-contribution awards paid under 5 U.S.C. 4503 and 5 C.F.R. 451.104(a)(2) or similar legal authority.

**Q8. What are the other awards and incentives that are frozen at FY 2010 levels?**

A8. We have designated the following as other awards, recognition, and incentives, each of which is capped at its respective 2010 level:

- **Other Awards** – include group cash awards; cash awards recognizing achievements such as individual and group suggestion and invention, and cost saving referrals of job candidates. These awards are granted under 5 U.S.C. 4503 and 5 C.F.R. 451.104(a)(1) or similar legal authority.
- **Quality Step Increases** – rating-based increase to basic pay recognizing outstanding performance expected to continue and warranting an ongoing increase in pay. These pay increases are granted under 5 U.S.C. 5336 and 5 C.F.R. part 530, subpart E or similar legal authority for additional performance-based pay increases. These payments must be managed carefully as they create ongoing financial obligations for the agency.
- **Recruitment, Retention and Relocation Incentives (3Rs)** – cash incentives paid to employees with unique skills or in difficult-to-recruit positions. These incentives are authorized under 5 U.S.C. 5753 and 5754 and 5 C.F.R. part 575, subparts A-C or similar legal authority. Agencies must take great care to manage the use of these incentives only as intended by law and regulations, and OPM will continue to monitor use of these awards to make sure they are not misused. Agencies are expected to ensure prospectively that spending on 3Rs in calendar year 2011 and calendar year 2012 respectively does not exceed calendar year 2010 levels. (Unlike the fiscal year limits on awards, OPM will monitor 3Rs based on calendar years, consistent with past reporting requirements to Congress.)

**Q9. Will agencies have to make reductions immediately?**

A9. Agencies must reduce total awards spending for awards with effective dates in fiscal year 2012, with interim progress in 2011, on individual performance awards for members of the Senior Executive Service (SES) and senior-level and scientific and professional employees (SL/ST) to no more than five percent of aggregate salaries. For performance awards for non-SES employees and contribution awards for all employees and executives, the spending limit is no more than one percent of aggregate salaries for awards with effective dates in fiscal year 2012, with interim progress in 2011. Agencies already spending at levels at or below these targets will continue to limit spending to their fiscal year 2010 levels. Other awards and incentives are frozen at fiscal year 2010 spending levels as well.

**Q10. Will all agencies have to reduce their awards spending to meet the 5% SES/SL/ST and 1% non-SES levels?**

A10. Whether agencies will have to make actual reductions to their awards spending depends on how much they spent in fiscal year 2010. For some agencies, this will require a reduction from current spending levels. For those agencies currently spending at or below these limits, spending is frozen at their fiscal year 2010 levels.

**Q11. Will agencies have to limit the number of awards they grant?**

A11. There is no cap on the percentage of employees receiving awards or the number of individual awards granted. However, any time overall spending is reduced, the number of employees receiving awards may be affected. It is important to remember agencies still are expected to improve performance by rewarding excellence, with awards being more meaningful, distinguishable, and fair, especially during tough fiscal times. In exercising their discretion in this area, agencies are reminded to honor all collective bargaining obligations and discuss agency award programs in agency labor-management forums. Each agency should consider this guidance and consult with agency counsel to determine the agency's position in any subsequent collective bargaining on individual awards. Agencies must identify for OPM those bargaining unit employees whose collective bargaining agreement contains negotiated provisions addressing specific award amounts payable for rating-based performance awards, the date the collective bargaining agreement expires, and any employees covered by other award programs they believe should be excluded from the current limitations. An agency must report its determination to the Director of OPM by submitting an email detailing the justification for the exclusion to [perform-mgmt@opm.gov](mailto:perform-mgmt@opm.gov).

**Q12. Will these limits apply to individual award amounts?**

A12. Like the overall number of awards, no specific limit is being placed on the amount of any single individual award. However, if overall spending reductions are necessary to meet the specified targets, one way to achieve this may be by addressing the amounts granted for specific awards, respecting the requirements of the law. Agencies are reminded again to protect the intent and integrity of their award programs to provide appropriate recognition for excellence in performance.

**Q13. Will giving fewer or smaller performance awards to SES/SL/ST affect an agency's ability to get certified?**

A13. No; the certification criterion addressing pay differentiation remains the same and does not depend on the number or amount of individual awards, except where there are statutory requirements. Certification requires pay differentiations be made based on the performance distinctions as reflected by the ratings of record. During the pay freeze, agency performance awards will be reviewed to see whether such differentiation occurs. The criterion requires relative differentiation so that agencies consistently grant larger performance awards to senior executives who receive higher ratings.

**Q14. Will this affect time-off awards?**

A14. No. Because time-off awards do not involve additional cash expenditures, they are not included in these targets. Agencies are reminded, however, that these awards represent a cost to the agency and to refrain from increasing time off awards to compensate for the restrictions on cash awards.

**Q15. Are political appointees covered by this budget guidance?**

A1. These budget limitations do not apply to political appointees. On August 3, 2010, the President announced a freeze on discretionary awards, bonuses, and similar payments for politically appointed Federal employees through the end of FY 2011. Agencies should continue to apply this freeze in FY 2012 in accordance with OPM's guidance at <http://www.chcoc.gov/Transmittals/TransmittalDetails.aspx?TransmittalID=3060>.

**Q16. How can agencies and employees get further guidance on this topic?**

A16. Agency Chief Human Capital Officers and/or Human Resources Directors should contact OPM's Employee Services, Executive Resources and Employee Development, at 202-606-8046 or email [perform-mgmt@opm.gov](mailto:perform-mgmt@opm.gov) for additional information. Employees should contact their agency human resources offices for assistance.



# Correspondence Management System

Control Number: AX-11-000-9513

Printing Date: June 14, 2011 03:43:16



## Citizen Information

Citizen/Originator: Kennedy, Joseph S.

Organization: Council on Veterans Employment  
Address: 1900 E Street, NW, Washington, DC 20415

Constituent: N/A

Committee: N/A Sub-Committee: N/A

## Control Information

Control Number: AX-11-000-9513 Alternate Number: N/A  
Status: For Your Information Closed Date: N/A  
Due Date: N/A # of Extensions: 0  
Letter Date: Jun 13, 2011 Received Date: Jun 14, 2011  
Addressee: AD-Administrator Addressee Org: EPA  
Contact Type: EML (E-Mail) Priority Code: Normal  
Signature: SNR-Signature Not Required Signature Date: N/A  
File Code: 401\_127\_a General Correspondence Files Record copy  
Subject: DRF - Veterans Employment Results for Q1 FY11  
Instructions: For Your Information -- No action required  
Instruction Note: N/A  
General Notes: N/A  
CC: N/A

## Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

## Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OARM	Jun 14, 2011

## History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Forward control to OARM	Jun 14, 2011

## Comments

**Message Information**

**Date** 06/13/2011 10:10 AM  
**From** "Kennedy, Joseph S." <Joseph.Kennedy@opm.gov>  
**To** Craig Hooks/DC/USEPA/US@EPA; LisaP Jackson/DC/USEPA/US@EPA  
**cc** "Guss, Jodi L" <Jodi.Guss@opm.gov>; "Higgins, Maureen B." <Maureen.Higgins@opm.gov>; "Decker, Ray" <Ray.Decker@opm.gov>  
**Subject** Veterans Employment Results for Q1 FY 11

**Message Body**

Hi Craig and Lisa,

Based on your Q1 FY 11 results, your organization is trending toward your total Veterans employment goal and above your Disabled Veterans employment goal. Understanding that overall the Government typically hires the highest percentage of Veterans in the first quarter of the fiscal year, I have asked the OPM Human Capital Officer for your agency to contact your Veterans Employment Program Officer to review your operations plan to ensure its strategies continue your agency's success.

Your results are below. If you have any questions, please contact me.

(b) (6) Privacy, (b) (5) Deliberative



Take care,

Joseph

Joseph S. Kennedy  
Executive Director  
Council on Veterans Employment  
(202) 606-1575

[www.fedshirevets.gov](http://www.fedshirevets.gov) -- hire a veteran, achieve mission success

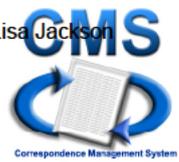




# Correspondence Management System

Control Number: AX-11-000-9514

Printing Date: June 14, 2011 12:05:41



## Citizen Information

**Citizen/Originator:** White, Arnette C

Organization: Executive Office of the President, Office of Management Budget  
Address: 725 17th Street, N.W., Washington, DC 20503

**Zients, Jeffrey D**

Organization: Office of Management and Budget  
Address: 725 17th St., NW, Washington, DC 20503

**Constituent:** N/A  
**Committee:** N/A

**Sub-Committee:** N/A

## Control Information

**Control Number:** AX-11-000-9514      **Alternate Number:** N/A  
**Status:** For Your Information      **Closed Date:** N/A  
**Due Date:** N/A      **# of Extensions:** 0  
**Letter Date:** Jun 13, 2011      **Received Date:** Jun 14, 2011  
**Addressee:** AD-Administrator      **Addressee Org:** EPA  
**Contact Type:** EML (E-Mail)      **Priority Code:** Normal  
**Signature:** SNR-Signature Not Required      **Signature Date:** N/A  
**File Code:** 401\_127\_a General Correspondence Files Record copy  
**Subject:** DRF - M-11-24 Implementing Executive Order 13571 on Streamlining Service Delivery and Improving Customer Service  
**Instructions:** For Your Information -- No action required  
**Instruction Note:** N/A  
**General Notes:** N/A  
**CC:** OARM - OARM -- Immediate Office  
OEAEE - Office of External Affairs and Environmental Education  
OEI - Office of Environmental Information - Immediate Office  
OP - Office of Policy

## Lead Information

**Lead Author:** N/A

**Lead Assignments:**

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

## Supporting Information

**Supporting Author:** N/A

**Supporting Assignments:**

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OCFO	Jun 14, 2011

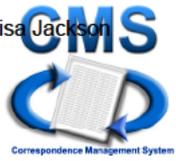
## History



# Correspondence Management System

Control Number: AX-11-000-9514

Printing Date: June 14, 2011 12:05:41



Action By	Office	Action	Date
(b) (6) Privacy	OEX	Control Created	Jun 14, 2011
(b) (6) Privacy	OEX	Forward control to OCFO	Jun 14, 2011

## Comments

Commentator	Comment	Date
No Record Found.		



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

DEPUTY DIRECTOR  
FOR MANAGEMENT

June 13, 2011

M-11-24

**MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES**

**FROM: Jeffrey D. Zients**  
**Federal Chief Performance Officer and**  
**Deputy Director for Management**

**SUBJECT: Implementing Executive Order 13571 on Streamlining Service Delivery and**  
**Improving Customer Service**

In Executive Order (EO) 13571, issued on April 27, 2011, the President stated that, "with advances in technology and service delivery systems in other sectors, the public's expectations of the Government have continued to rise." and that the Government "must keep pace with and even exceed those expectations." In addition, the President made clear that the Government "must also address the need to improve its services, not only to individuals, but also to private and Governmental entities to which the agency directly provides significant services."

The President instructed the Federal Chief Performance Officer, who also serves as Deputy Director for Management of the OMB, to issue any necessary guidance for implementing the activities outlined in the order. This memorandum provides guidance for implementing EO 13571.

**1. Improve Customer Service Delivery**

To keep pace with the public's expectations and to respond to budget pressures that demand we do more with less, the Federal Government must deliver services better, faster, and at lower cost. Each Chief Financial Officers (CFO) Act agency ("agency" or "agencies") that directly provides significant services to individuals or to private and governmental entities will improve customer service through the following activities:

- **Publish Customer Service Plans** – Within 180 days, each agency will post a customer service plan ("plan") to its Open Government website. The plan will identify implementation steps for the customer service activities outlined in EO 13571, including a high-level discussion of the process by which a "signature initiative" to use technology to improve the customer experience will be designed and executed. The plan will prepare agencies to integrate specific customer service goals into annual agency performance plans and reports, as called for by the Government Performance and Results Modernization Act (GPRA) of 2010. Additional details about the nature and scope of the customer service plan are in the appendix.

- Establish a Customer Service Task Force – To facilitate the exchange of best practices and the development of agency customer service plans and signature initiatives, OMB will coordinate a Customer Service Task Force (“Task Force”), comprised of agencies that provide significant services. that will meet regularly until agencies publish their plans. By June 30, 2011, each agency should identify a senior official, who will be responsible for the customer service plan and related agency goals, to represent the agency on the Task Force and submit the appropriate contact information on the MAX customer service initiative site, <https://max.omb.gov/community/x/2o0Zlg>. Before final publication in October, participating agencies will conduct a peer review of their customer service plans.

## **2. Advance Customer Service through Innovative Technology**

With advances in technology and improvements in service delivery systems, customers’ expectations continue to rise. To meet these expectations and increase efficiency, the Federal Government must incorporate increasingly common, lower cost self-service options that leverage technology, such as those accessed by the Internet or mobile phone. These efforts will help the Federal Government streamline and make more efficient its service delivery to better serve the public.

- Establish a Signature Initiative: EO 13571 calls for each agency to establish one major initiative (a “signature initiative”) that uses technology to improve the customer experience, address the gap between customer expectation and agency service delivery, and achieve efficiency gains. Initiatives will be outlined in the agency customer service plan (additional details on plan formulation are in the appendix). Signature initiatives will draw on best practice models that demonstrate the ability to use innovative technologies to increase customer self-service, reduce the need for phone or walk in inquiries, and continuously learn from customers. For example, various Government entities have developed systems that enable customers to: reserve an office appointment online, reducing time spent waiting in line; complete an entire transaction independently online, limiting the need for calls or office visits; track the status of a service online, allowing access to updates via a mobile device; and set up mobile text alerts for notifications on a range of topics, including emergency announcements, thereby engaging the agency directly with the customer.

## **3. Solicit Timely Customer Feedback**

Pursuant to EO 12862, agencies that provide significant services to the public must survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services. EO 13571 expands the definition of “customer” and encourages the use of a broader set of tools to solicit actionable, timely customer feedback to capture insights and identify early warning signals.

- Create a “Fast Track” Review Process – Concurrent with the release of this guidance, the Office of Information and Regulatory Affairs (OIRA) will provide guidance to agencies on the

Paperwork Reduction Act and a "Fast Track" review process for efforts to gather customer feedback to improve service delivery.

- Provide Guidance on Customer Feedback Options – Concurrent with the release of this guidance, OIRA will post online introductory documents for program managers on different options for collecting customer feedback.

#### **4. Improve Online Services**

More than half of all Americans accessed a Federal website in 2010 – evidence that many Government services are now delivered online. While many Federal websites provide timely and accurate information and services, many others have redundant, outdated, hard to use, or poorly maintained content. There are nearly 2,000 top-level Federal .gov domains; within these top-level domains, there are thousands of websites, sub-sites, and microsites, resulting in an estimated 24,000 websites of varying purpose, design, navigation, usability, and accessibility. This duplication not only can cause confusion, but also wastes taxpayer dollars. To simplify access to Federal services, the Government needs a comprehensive and consistent strategy for managing its web resources efficiently and assuring that valuable content is available online and is readily accessible.

The Office of Management and Budget (OMB), the General Services Administration (GSA), the Office of Science and Technology Policy (OSTP), the Chief Information Officers Council, and the Federal Web Managers Council will work with agencies to accomplish the following:

- Freeze Establishment of New Federal Executive Branch Domains – Effective immediately, all agencies will cease creation of new .gov domains for 90 days. GSA's Office of Governmentwide Policy (OGP) will approve new domains only for those requests that have received a written waiver from the Federal Chief Information Officer (CIO). Should agencies need to establish new web content within this timeframe, they should leverage existing .gov sites and infrastructure.
- Update .Gov Domain Policy and Guidelines – Within 30 days, the Federal CIO, in collaboration with GSA, will establish a task force to solicit and develop recommendations to update Federal executive branch .gov policy and guidelines and best practices for managing Federal websites.
- Eliminate Duplicative and Outdated Websites – Within 30 days, GSA will make publicly available on Data.gov a list of all registered top-level .gov domain names. This list will be updated regularly. Within 60 days, GSA will provide agency-specific lists on MAX and the Federal CIO will issue instructions for how agencies should identify opportunities to improve content as well as eliminate duplicative and outdated websites. Within 120 days, each agency will use the agency-specific domain name list and related instructions to identify domain names that are no longer needed, websites that should be consolidated or eliminated, and website content that needs to be improved. Agencies will post on their Open Government page the actions they will take as a result of their review.

We look forward to working with each of you on this important effort. If you have any questions regarding the first two sections of this Memorandum, Improving Customer Service Delivery or Advancing Customer Service through Innovative Technology, please direct them to Katie Malague at [kmalague@omb.eop.gov](mailto:kmalague@omb.eop.gov) or 202-395-4633. Questions about the sections related to Soliciting Timely Customer Feedback or Improving Online Services should be directed to Adam Neufeld at [aneufeld@omb.eop.gov](mailto:aneufeld@omb.eop.gov) or 202-395-5020.

## **Appendix: Customer Service Plans**

**Nature and Scope of Services** – Plans should address approximately three to five of the agency's highest volume services, including the most critical and significant transactions with customers. Agencies will determine appropriate services to address in the customer service plan. Illustrative examples include:

- Providing access to forms, applications, program information, and data;
- Processing of benefits, loans, grants, taxes, permits, and licenses; and
- Enabling self-service options such as online transactions and mobile applications.

**Components of the Plan** – The plan will identify key customer groups for the selected three to five highest volume agency services and summarize implementation steps for the customer service activities outlined in EO 13571, including a high-level discussion of the process by which a signature initiative will be designed and executed. To focus efforts on the initiatives themselves, plans should be no longer than 10 pages. The plan will outline the agency's approach, intended benefits, and implementation timeline for the following:

### ***1. Connecting with Customers***

- Establish mechanisms to solicit customer feedback on government services and use such feedback regularly to make service improvements, such as:
  - Collect ongoing, timely, actionable customer feedback to identify early warning signals of customer service issues; and
  - Conduct customer satisfaction surveys and report the results publicly to provide transparency and accountability.
- Improve the customer experience by adopting proven customer service best practices and coordinating across service channels (including on-line, phone, in person, and mail services), such as:
  - Develop a process for evaluating the entire customer experience, ensuring consistency across service channels;
  - Coordinate with other agencies serving the same customers, identifying opportunities for using common forms and application materials and processes;
  - Analyze customer preferences for interactions and redirect resources from less preferred and more costly channels (such as printed materials) to preferred, less costly, and more widely accessible channels (such as Internet and mobile services), where appropriate and applicable; and
  - Ensure access and usability for people with disabilities and hard-to-reach and disadvantaged customer populations.

## ***2. Setting, Communicating, and Using Customer Service Standards***

- Set clear customer service standards and expectations, including, where appropriate, performance goals for customer service required by the Government Performance and Results (GPRA) Modernization Act of 2010 (Public Law 111-352), such as:
  - Develop customer service standards that are understandable to the public, easily accessible at the point of service and on the Internet, and measurable (where appropriate); where possible, standards should include targets for speed, quality/accuracy, and satisfaction;
  - Report progress in meeting customer service standards;
  - Provide an easy and accessible mechanism for customers to find out where they are in a given process and how long it will likely take to obtain service;
  - Make agency service contact information readily available to the public; and
  - Ensure appropriate mechanisms for handling complaints and resolving issues in a timely and satisfactory manner.
- Streamline agency processes to reduce costs and accelerate delivery, while reducing the need for customer calls and inquiries, such as:
  - Continually identify and implement ways to eliminate unnecessary steps;
  - Analyze the most common customer inquiries and evaluate potential process and communications changes to reduce the need for them; and
  - Assess process and technology changes for their impact on the customer's experience.

## ***3. Leveraging Technology and Innovation***

- Establish one major initiative (a "signature initiative") that will use technology to improve the customer experience, aiming to:
  - Increase the efficiency of agency operations;
  - Identify ways to increase self-service, reduce the need for phone or walk-in inquiries, and continuously learn from customers; and
  - Build solutions that can be leveraged for other government services, or by third-party application developers, where possible.
- Identify ways to use innovative technologies to accomplish customer service activities, thereby lowering costs, decreasing service delivery times, and improving the customer experience, through activities such as:
  - Assess customer needs and expectations for services provided by the agency;
  - Analyze the gap between customer expectations and current agency service delivery;
  - Create and test a solution that meets the level of service needed to address the gap between the customer expectation and the agency's service delivery;
  - Gather customer feedback on the solution to determine whether it better meets customer needs; and
  - Use customer feedback to improve the solution, repeating the process to rapidly create an effective solution that meets the customer service need.



June 13, 2011

Lisa Jackson  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Administrator Jackson,

I am opposed to the Environmental Protection Agency's plan to lower the ozone standards below the current 75 ppb level. I feel this would be an extremely damaging mandate that could harm not only communities and businesses in Ohio but across the United States.

Despite the fact that the Clean Air Act requires the EPA to review these standards, the agency has decided to speed up the process and impose new standards just three years after lowering the levels in 2008. This decision by the EPA has created uncertainty and concern for many businesses and local governments who are struggling to comply with the current regulations.

Ohio has seen its fair share of struggles over the past few years as a result of the recession. In the past decade almost 11 percent of our state's employment disappeared. Despite these hardships, Ohio residents are determined to see our state turn around economically. However, all progress that has been made will be wiped away if the EPA lowers ozone standards. It is difficult for many to understand why the EPA would push for new regulations at a time when so many are looking to pick up the pieces and get back to work.

Studies show that these regulations would cost thousands of jobs and billions of dollars that could go into Ohio's economy. I cannot think of anything more irresponsible than for a federal agency such as the EPA to implement new policies knowing the economic impact it will have both short and long term.

It is impossible for local communities to meet ozone standards if new standards are going to be introduced every few years. Now is not the time for such drastic changes. I urge you to reconsider lowering ozone standards and take into consideration the impacts these decisions will have not only to Ohio but to the United States as a whole.

Sincerely,



Barbara Walter  
Chairman  
Richland County Republican Party

CC: Bill Daley, White House Chief of Staff  
Valerie Jarrett, White House Office of Public Engagement and Intergovernmental Affairs  
Senator Rob Portman, U.S. Senate  
Senator Sherrod Brown, U.S. Senate



# Correspondence Management System

Control Number: AX-11-000-9553

Printing Date: June 14, 2011 02:54:41



## Citizen Information

Citizen/Originator: Sargeant, Winslow

Organization: U.S. Small Business Administration  
Address: 409 Third Street, N.W., Washington, DC 20416

Constituent: N/A

Committee: N/A Sub-Committee: N/A

## Control Information

Control Number: AX-11-000-9553      Alternate Number: N/A  
 Status: For Your Information      Closed Date: N/A  
 Due Date: N/A      # of Extensions: 0  
 Letter Date: Jun 13, 2011      Received Date: Jun 14, 2011  
 Addressee: AD-Administrator      Addressee Org: EPA  
 Contact Type: LTR (Letter)      Priority Code: Normal  
 Signature: SNR-Signature Not Required      Signature Date: N/A  
 File Code: 401\_127\_a General Correspondence Files Record copy  
 Subject: DRF - SBAR Panel - Convening of Panel on "Greenhouse Gas New Source Performance Standard for Electric Utility Steam Generating Units."  
 Instructions: For Your Information -- No action required  
 Instruction Note: N/A  
 General Notes: N/A  
 CC: OEAE - Office of External Affairs and Environmental Education  
 OP - Office of Policy  
 OSBP - Office of Small Business Programs

## Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

## Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Privacy	OEX	OAR	Jun 14, 2011

## History

Action By	Office	Action	Date
(b) (6) Privacy	OEX	Forward control to OAR	Jun 14, 2011

**DAILY READING FILE**

---

*Advocacy: the voice of small business in government*

June 13, 2011

BY ELECTRONIC MAIL

The Honorable Lisa P. Jackson  
Administrator  
U.S. Environmental Protection Agency

The Honorable Cass R. Sunstein  
Administrator  
Office of Information and Regulatory Affairs  
Office of Management and Budget

**RE: SBAR Panel – Convening of Panel on “Greenhouse Gas New Source Performance Standard for Electric Utility Steam Generating Units.”**

Dear Administrators Jackson and Sunstein:

On June 9, 2011, EPA convened a Small Business Advocacy Review (SBAR) panel on its upcoming rulemaking, “Greenhouse Gas (GHG) New Source Performance Standard (NSPS) for Electric Utility Steam Generating Units (EGUs).” The Office of Advocacy (Advocacy) does not agree that this panel should have convened at this time. We believe that EPA is not yet ready for this panel, since it has not provided the other panel members with information on the potential impacts of this rule and has not provided small entity representatives (SERs) with sufficient information upon which to discuss alternatives and provide recommendations to EPA. It is Advocacy’s position that EPA is not in compliance with the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) due to the lack of information provided and that a panel conducted under these circumstances is unlikely to succeed at identifying reasonable regulatory alternatives, as required by the Regulatory Flexibility Act (RFA).

Advocacy does not challenge EPA’s authority to implement controls of GHG emissions under the Clean Air Act through this rulemaking; to the contrary, we believe EPA has significant authority and discretion in this area. It is this broad discretion that leads Advocacy to believe that SERs have not been provided enough information to project how EPA will structure this regulation or establish the relevant standards. In the absence of information sufficient for SERs to appreciate the impact of the proposed rule and to identify regulatory options that would fulfill EPA’s statutory objectives, Advocacy believes that convening this panel is premature. The benefits of the SBAR panel will not be realized if the stakeholders are not presented and equipped with alternative regulatory options.

## The Office of Advocacy

Congress established the Office of Advocacy under Pub. L. No. 94-305 to advocate the views of small entities before Federal agencies and Congress. Because Advocacy is an independent body within the U.S. Small Business Administration (SBA), the views expressed by Advocacy do not necessarily reflect the position of the Administration or the SBA.<sup>1</sup> The RFA,<sup>2</sup> as amended by SBREFA,<sup>3</sup> gives small entities a voice in the federal rulemaking process. For all rules that are expected to have a "significant economic impact on a substantial number of small entities,"<sup>4</sup> EPA is required by the RFA to conduct a SBAR Panel to assess the impact of the proposed rule on small entities,<sup>5</sup> and to consider less burdensome alternatives. Moreover, federal agencies must give every appropriate consideration to any comments on a proposed or final rule submitted by Advocacy and must include, in any explanation or discussion accompanying publication in the Federal Register of a final rule, the agency's response to any written comments submitted by Advocacy on the proposed rule.<sup>6</sup>

## Background

Since the passage of SBREFA in 1996, EPA has been a "covered agency" under section 609 of the RFA. In that time, EPA, OMB, and SBA have jointly conducted almost 40 panels. EPA has also published valuable guidance to its program offices on compliance with the RFA, including the conduct of SBAR panels.<sup>7</sup>

SBAR panels give Small Entity Representatives (SERs) an opportunity to understand a covered agency's upcoming proposed rule and provide meaningful recommendations to aid in the agency's compliance with the RFA. The process starts with the covered agency notifying Advocacy with "information on the potential impacts of the proposed rule on small entities and the type of small entities that might be affected[.]"<sup>8</sup> Upon convening of the panel, the RFA states that "the panel shall review any material the agency has prepared in connection with this chapter, including any draft proposed rule, collect advice and recommendations of each individual small entity representative identified by the agency after consultation with the Chief Counsel, on issues related to subsections 603(b), paragraphs (3), (4) and (5) and 603(c)[.]"<sup>9</sup>

<sup>1</sup> 15 U.S.C. § 634a, *et. seq.*

<sup>2</sup> 5 U.S.C. § 601, *et. seq.*

<sup>3</sup> Pub. L. 104-121, Title II, 110 Stat. 857 (1996)(codified in various sections of 5 U.S.C. § 601, *et. seq.*).

<sup>4</sup> See 5 U.S.C. § 609(a), (b).

<sup>5</sup> Under the RFA, small entities are defined as (1) a "small business" under section 3 of the Small Business Act and under size standards issued by the SBA in 13 C.F.R. § 121.201, or (2) a "small organization" that is a not-for-profit enterprise which is independently owned and operated and is not dominant in its field, or (3) a "small governmental jurisdiction" that is the government of a city, county, town, township, village, school district or special district with a population of less than 50,000 persons. 5 U.S.C. § 601.

<sup>6</sup> 5 U.S.C. § 604, *as amended by the Small Business Jobs Act of 2010*, Pub. Law No. 111-240, Sec. 1601.

<sup>7</sup> *Final Guidance for EPA Rulewriters: Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act*, OPEI Regulatory Development Series, U.S. EPA, November 2006.

<sup>8</sup> § 609(b)(1).

<sup>9</sup> § 609(b)(4). Section 603(b), paragraphs (3), (4), and (5) read:

"(3) a description of and, where feasible, an estimate of the number of small entities to which the proposed rule will apply;

Advocacy believes that these requirements, read together and in the context of activity to be conducted prior to proposed rulemaking, require the agency to provide sufficient information to the SERs so that they can understand the likely form of the upcoming rulemaking, evaluate its potential economic impacts, and recommend alternative regulatory options that would minimize any significant economic impact while preserving the agency's regulatory objectives. Advocacy also believes that the statute clearly intends that the agency provide deliberative information as part of this process.

### **SBAR Panel**

Advocacy received formal notification of EPA's intent to convene this panel at the end of March, and EPA convened the panel on June 9th. Draft outreach materials provided to Advocacy and OIRA for review since March and the outreach materials provided to the SERs on June 10th do not describe potential economic impacts or regulatory alternatives under development. The description of the proposed rule is a discussion of EPA's statutory obligation. In place of regulatory alternatives identified by the agency, these materials merely present regulatory options proposed by outside parties at listening sessions held separately by EPA during February. The outreach materials also present a spectrum of technologies that could be required by the proposed rule, based on work developed for separate section of the Clean Air Act, without any indication of which technologies could be required by an NSPS.

EPA has broad discretion to design a regulatory program to regulate GHGs under section 111 of the Clean Air Act. Advocacy believes that SERs have not been provided enough information to project how EPA will structure this regulation or establish the relevant standards. In the absence of information, SERs will be unable to understand potential impacts of the rulemaking and make recommendations about regulatory alternatives that would minimize the impacts on small entities while fulfilling EPA's goals. For this reason, Advocacy believes that convening this panel is premature, and that EPA should delay this panel until it has a clearer set of available regulatory alternatives and potential impacts available for discussion by the panel members and the SERs.

---

“(4) a description of the projected reporting, recordkeeping and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record;  
“(5) an identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap or conflict with the proposed rule.”

Section 603(c) reads:

“(c) Each initial regulatory flexibility analysis shall also contain a description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on small entities. Consistent with the stated objectives of applicable statutes, the analysis shall discuss significant alternatives such as –  
“(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities;  
“(2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities;  
“(3) the use of performance rather than design standards; and  
“(4) an exemption from coverage of the rule, or any part thereof, for such small entities.”

## **Conclusion**

Advocacy states its objection to the convening of this panel because we believe EPA is not providing sufficient information to the SERs. As a result, the SBAR panels will likely be unable to identify specific regulatory alternatives that would "accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on small entities." We believe input from small entities will be valuable in this important rulemaking, and we want to ensure SERs on this SBAR panel are able to contribute effectively to this process.

I look forward to working with you to make sure the voice of small business is heard and considered. When done well, the SBAR panel process is an important channel for that voice, and it works to the benefit of all stakeholders.

Sincerely,

/s/

Winslow Sargeant, Ph.D  
Chief Counsel for Advocacy

cc: Small Entity Representatives participating in the SBAR Panel on EGU GHG NSPS.



# Correspondence Management System

Control Number: AX-11-000-9575

Printing Date: June 14, 2011 05:00:35



## Citizen Information

Citizen/Originator: Enos, Diane

Organization: Salt River Pima-Maricopa Indian Community  
Address: 10005 East Osborn Road, Scottsdale, AZ 85256-9722

Constituent: N/A

Committee: N/A Sub-Committee: N/A

## Control Information

Control Number: AX-11-000-9575      Alternate Number: N/A  
 Status: Pending      Closed Date: N/A  
 Due Date: Jun 29, 2011      # of Extensions: 0  
 Letter Date: Jun 9, 2011      Received Date: Jun 14, 2011  
 Addressee: AD-Administrator      Addressee Org: EPA  
 Contact Type: LTR (Letter)      Priority Code: Normal  
 Signature: DX-Direct Reply      Signature Date: N/A  
 File Code: 404-141-02-01\_141\_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Subject: DRF - Request for Consultation Regarding NGS BART Proceeding  
 Instructions: DX-Respond directly to this citizen's questions, statements, or concerns  
 Instruction Note: N/A  
 General Notes: N/A  
 CC: OAR - Office of Air and Radiation -- Immediate Office  
 OEAE - Office of External Affairs and Environmental Education  
 OITA - Office of International and Tribal Affairs

## Lead Information

Lead Author: N/A

### Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Privacy	OEX	R9	Jun 14, 2011	Jun 29, 2011	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

## Supporting Information

Supporting Author: N/A

### Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

## History

Action By	Office	Action	Date
-----------	--------	--------	------



# Correspondence Management System

Control Number: AX-11-000-9575

Printing Date: June 14, 2011 05:00:35



Action By	Office	Action	Date
(b) (6) Privacy	OEX	Control Created	Jun 14, 2011
(b) (6) Privacy	OEX	Assign OITA as lead office	Jun 14, 2011
(b) (6) Privacy	OEX	Retracted Assignment	Jun 14, 2011
(b) (6) Privacy	OEX	Assign R9 as lead office	Jun 14, 2011

## Comments

Commentator	Comment	Date
No Record Found.		

SALT RIVER

PIMA-MARICOPA INDIAN COMMUNITY

10005 East Osborn Road / Scottsdale, Arizona 85256-9722 / Phone (480) 362-7400 / Fax (480) 362-7593



June 9, 2011

Ms. Lisa Jackson  
Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Mail Code 1101A  
Washington, DC 20460

RECEIVED  
2011 JUN 14 PM 12:46  
OFFICE OF THE  
EXECUTIVE SECRETARIAT

**Re: Request for Consultation Regarding NGS BART Proceeding**

Dear Ms. Jackson:

On May 20, 2011, the Gila River Indian Community wrote to you requesting that formal government-to-government consultation be initiated pursuant to the May 2, 2011 *EPA Policy on Consultation and Coordination with Indian Tribes* in connection with EPA's ongoing Navajo Generating Station (NGS) Best Available Retrofit Technology (BART) rulemaking. We are writing to join that request for consultation.

Government-to-government consultation is necessary and appropriate prior to EPA taking any further action to advance the rulemaking, given the far-reaching and significant implications that EPA's BART determination for NGS could have for many tribal economies and cultures. As stated in the Community's May 20<sup>th</sup> letter, the gravity of these implications necessitates high-level and extensive consultations, and we urge you to initiate them as soon as possible in a manner that comports with the EPA's Policy and its trust obligations to tribes.

Respectfully,

Diane Enos  
President



# Correspondence Management System

Control Number: AX-11-000-9582

Printing Date: June 14, 2011 04:19:38



## Citizen Information

Citizen/Originator: Goolsby, Thom

Organization: North Carolina General Assembly  
Address: Legislative Building, Raleigh, NC 27601-2808

Constituent: N/A

Committee: N/A Sub-Committee: N/A

## Control Information

Control Number: AX-11-000-9582 Alternate Number: N/A  
Status: Pending Closed Date: N/A  
Due Date: Jun 28, 2011 # of Extensions: 0  
Letter Date: Jun 8, 2011 Received Date: Jun 14, 2011  
Addressee: AD-Administrator Addressee Org: EPA  
Contact Type: LTR (Letter) Priority Code: Normal  
Signature: AA-OAR-Assistant Administrator Signature Date: N/A  
- OAR

File Code: 404-141-02-01\_141\_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File - I am writing to voice my concern about an upcoming decision your agency intends to make regarding the standard for ozone presence in the air

Instructions: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations  
OEAE - Office of External Affairs and Environmental Education  
R4 - Region 4 -- Immediate Office

## Lead Information

Lead Author: N/A

### Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Privacy	OEX	OAR	Jun 14, 2011	Jun 28, 2011	N/A
Instruction: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR					

## Supporting Information

Supporting Author: N/A

### Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

## History



# Correspondence Management System

Control Number: AX-11-000-9582

Printing Date: June 14, 2011 04:19:38



Action By	Office	Action	Date
(b) (6) Privacy	OEX	Assign OAR as lead office	Jun 14, 2011

## Comments

Commentator	Comment	Date
No Record Found.		



North Carolina General Assembly  
Senate Chamber  
State Legislative Building  
Raleigh, NC 27601-2808

RECEIVED

2011 JUN 14 PM 12:45

OFFICE OF THE  
EXECUTIVE SECRETARIAT

SENATOR THOM GOOLSBY  
9TH DISTRICT

June 8, 2011

The Honorable Lisa Jackson  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Jackson,

North Carolina takes great pride in its ability to attract and retain businesses. The state is consistently ranked by such news outlets and publications as CNBC, Forbes and Chief Executive Magazine as one of the top five states in the nation for maintaining a business-friendly climate.

Apart from our high-quality workforce, the most compelling reason we offer for firms to locate in North Carolina is our emphasis on common-sense regulation. A streamlined process for permits and licenses, "one-stop" applications to speed up paperwork, and regular reassessments of regulations already on the books help make this possible.

In fact, state lawmakers take great pride in our business climate and strive to ensure it is balanced and meets the needs of our constituents. For many of us, it is a top priority—particularly in today's economic environment.

I am writing, however, to voice my concern about an upcoming decision your agency intends to make regarding the standard for ozone presence in the air. The wrong decision will have a chilling effect on North Carolina's ability to mitigate the effects of the recession and, indeed, for any state intent on business development.

The Environmental Protection Agency has lowered the standard for ozone presence twice over the past several decades, and used its compliance and enforcement authority to ensure states meet the new standard. Businesses within a state must submit to monitoring, provide reports and invest in new equipment and procedures that mitigate the presence of ozone in order to help areas within the state reach attainment.

Now, your agency is considering ordering a new standard even as some areas of the country are still trying to achieve the last standard.

I believe the EPA should refrain from constricting the standard. A new ozone standard would have a devastating effect on North Carolina. Many of our firms compete on a global basis, and the costs and efforts involved in attaining a third new standard would set them back. I can foresee job losses and relocation to other states as well. Studies that have looked at the consequences of a new ozone standard project our state would lose more than 100,000 jobs and nearly \$20 billion in domestic product.



Even a cursory reading of the newspaper reveals the U.S. economy is still fragile; the rate of job growth is essentially flat, leaving us with more than 8% unemployment. Other economic indicators are problematic and indicate the nation is still struggling to reignite growth. Businesspeople are uncertain whether to invest because the signals from Washington, particularly on energy, healthcare and the environment, tell them that the risks are greater than the rewards.

If the EPA decides to implement a new standard, it will be a clear signal to the business community that Washington believes ideological regulation is more important than business stability and growth. To me, that is very serious and could have wide-reaching repercussions for the nation's long-term prospects. I would respectfully suggest the agency think carefully about the consequences of its actions and refrain from decisions that severely impede U.S. economic interests.

Sincerely,



Thom Goolsby  
Senator, 9th District  
North Carolina General Assembly

01268-EPA-5690

**Diane  
Thompson/DC/USEPA/US**  
06/15/2011 04:20 PM

To "Richard Windsor", "Bob Perciasepe"  
cc "Aaron Dickerson", "Dan Kanninen"  
bcc

Subject Fw: SelectUSA Initiative: EO, Press Release, and Fact Sheet

FYI

---

**From:** "King, Colleen" [REDACTED] (b) (6)  
**Sent:** 06/15/2011 04:17 PM AST  
**To:** "King, Colleen" <[REDACTED]> (b) (6)  
**Subject:** SelectUSA Initiative: EO, Press Release, and Fact Sheet

Dear Chiefs of Staff:

Please see the attached Executive Order, press release, and fact sheet on the SelectUSA initiative. You can refer to the SelectUSA website or contact Barry Johnson for more information:

Barry Johnson, Executive Director of SelectUSA  
Phone: 202-482-9137  
Email: [BJohnson@doc.gov](mailto:BJohnson@doc.gov)  
SelectUSA website: [www.selectusa.gov](http://www.selectusa.gov)

Thank you.

--Cabinet Affairs

THE WHITE HOUSE  
Office of the Press Secretary

---

FOR IMMEDIATE RELEASE  
June 15, 2011

Attached is an executive order signed by the President today regarding establishment of the SelectUSA Initiative.

###



----- 2011selectusa.eo.rel.pdf Select USA Press Release.pdf Select USA Fact Sheet.pdf

**\*\*\*EMBARGOED UNTIL 9:30 A.M. EDT, WEDNESDAY, JUNE 15\*\*\***

## SelectUSA Fact Sheet

Business investment in the United States by both domestic and foreign firms is a major engine of economic growth and job creation. Established by Executive Order of the President, SelectUSA is a government-wide initiative to attract and retain business investment in the United States.

### Why SelectUSA?

In our increasingly competitive global business environment, we have seen American firms move overseas, taking with them American jobs. Meanwhile, too often, we lose out in the competition for foreign companies looking to build or expand overseas.

The United States received \$129.9 billion in foreign direct investment in 2009, about 12 percent of the global total. In comparison, the United States attracted an average of 23.4 percent of global FDI per year in the late 1990s.

The United States is the biggest recipient of business investment for all the reasons that helped create the largest middle class in the history of the world: It's the world's largest economy and has the world's third largest population, with a robust physical infrastructure, outstanding education system, and it provides predictability and overall ease of doing business, including intellectual property protection and a transparent and well-developed legal system.

Other countries have worked to improve their competitive positions and ramped up their marketing and outreach efforts to help attract job-creating business investment. The United Kingdom and Korea, for example, have had dedicated government programs that advocate for business investment in their country. But the United States has experienced a decreasing share of global foreign direct investment flows.

### What is SelectUSA?

- SelectUSA will encourage foreign firms to do business - and U.S. firms to keep their business - in the United States by addressing federal-level investment barriers and highlighting why the United States is the premier place to do business globally.
- The SelectUSA initiative will target three types of firms who could potentially seek to expand in the United States: foreign firms looking to expand, domestic firms looking to expand, and foreign or domestic firms looking to reorganize.
- A SelectUSA ombudsman, its executive director, will lead federal efforts, working as a liaison between potential investors, U.S. states and federal agencies to help eliminate investment barriers for companies looking to locate in the United States. The executive director will lead a Federal Interagency Investment Working Group.
- The Federal Interagency Investment Working Group will consist of senior officials from the Departments of State, Treasury, Defense, Justice, Interior, Agriculture, Commerce, Labor, Health and Human Services, Housing and Urban Development, Transportation, Energy, Education, and Homeland Security, the Environmental Protection Agency, the National Economic Council, the National Security Staff, and the Office of Management and Budget, as well as such additional departments, agencies, and offices as the Secretary of Commerce may designate.

- The Working Group will be charged with responding to specific concerns regarding the impact of their agency's activities or program execution raised by the SelectUSA Executive Director.
- SelectUSA will report quarterly to the President through the National Economic Council and the National Security Staff, describing its outreach activities, requests for information received and resolution of issues.
- SelectUSA will actively engage in advocacy and outreach to promote the United States as the best market for investment in the world and will provide a new web portal with information on federal programs and services available to companies that invest in the United States.
- SelectUSA.gov will be the first website dedicated solely to business investment in the United States. It will serve as a one-stop portal to government programs that offer federal business incentives; general information about the U.S. investment environment, and access to economic development opportunities throughout the country.

### **What does SelectUSA do?**

SelectUSA encourages and facilitates domestic and foreign business investment in the United States by:

- Partnering with firms, state and local governments, and other stakeholders to provide investors a single point of entry, information clearinghouse, ombudsman, and national advocate for investment in the United States.
- Assisting state and local governments, at their request, to address regulatory barriers for domestic and foreign firms wanting to invest in America.
- Coordinating across federal agencies, to provide services that supplement state, regional and local resources to attract, retain and expand business investment in the United States.
- Managing SelectUSA.gov, a website to provide comprehensive information on federal programs and services available to companies locating in the United States.

### **How does SelectUSA work?**

- SelectUSA is housed within the U.S. Department of Commerce, which maintains a network of personnel throughout the United States and in nearly 80 countries.
- SelectUSA is led by an Executive Director, appointed by the Secretary of Commerce.
- SelectUSA is a convening authority of the Federal Interagency Investment Working Group and responds to specific federal-level concerns impacting the attraction and retention of business investment.

The Obama Administration is committed to enhancing U.S. efforts to win the growing global competition for business investment by leveraging our resources and advantages as the premier business location in the world.

## THE WHITE HOUSE

## Office of the Press Secretary

---

For Immediate Release

June 15, 2011

## EXECUTIVE ORDER

- - - - -

## ESTABLISHMENT OF THE SELECTUSA INITIATIVE

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to support private-sector job creation and enhance economic growth by encouraging and supporting business investment in the United States, it is hereby ordered as follows:

Section 1. Policy. Business investment in the United States by both domestic and foreign firms, whether in the form of new equipment or facilities or the expansion of existing facilities, is a major engine of economic growth and job creation. In an era of global capital mobility, the United States faces increasing competition for retaining and attracting industries of the future and the jobs they create. My Administration is committed to enhancing the efforts of the United States to win the growing global competition for business investment by leveraging our advantages as the premier business location in the world.

As a place to do business, the United States offers a hardworking, diverse, and educated workforce, strong protection of intellectual property rights, a predictable and transparent legal system, relatively low taxes, highly developed infrastructure, and access to the world's most lucrative consumer market. We welcome both domestic and foreign businesses to invest across the broad spectrum of the U.S. market.

The Federal Government lacks the centralized investment promotion infrastructure and resources to attract business investment that is often found in other industrialized countries. Currently, States and cities are competing against foreign governments to attract business investment. Our Nation needs to retain business investment and pursue and win new investment in the United States by better marketing our strengths, providing clear, complete, and consistent information, and removing unnecessary obstacles to investment.

Sec. 2. SelectUSA Initiative. (a) Establishment. There is established the SelectUSA Initiative (Initiative), a Government-wide initiative to attract and retain investment in the American economy. The Initiative is to be housed in the Department of Commerce. The mission of this Initiative shall be to facilitate business investment in the United States in order to create jobs, spur economic growth, and promote American competitiveness. The Initiative will provide enhanced coordination of Federal activities in order to increase the impact of Federal resources that support both domestic and

foreign investment in the United States. In providing assistance, the Initiative shall work to maximize impact on business investment, job creation, and economic growth. The Initiative shall work on behalf of the entire Nation and shall exercise strict neutrality with regard to specific locations within the United States.

(b) Functions.

(i) The Initiative shall coordinate outreach and engagement by the Federal Government to promote the United States as the premier location to operate a business.

(ii) The Initiative shall serve as an ombudsman that facilitates the resolution of issues involving Federal programs or activities related to pending investments.

(iii) The Initiative shall provide information to domestic and foreign firms on: the investment climate in the United States; Federal programs and incentives available to investors; and State and local economic development organizations.

(iv) The Initiative shall report quarterly to the President through the National Economic Council, the Domestic Policy Council, and the National Security Staff, describing its outreach activities, requests for information received, and efforts to resolve issues.

(c) Administration. The Department of Commerce shall provide funding and administrative support for the Initiative through resources and staff assigned to work on the Initiative, to the extent permitted by law and within existing appropriations. The Secretary of Commerce shall designate a senior staff member as the Executive Director to lead the Initiative. The Executive Director shall coordinate activities both within the Department of Commerce and with other executive departments and agencies that have activities relating to business investment decisions.

(d) Federal Interagency Investment Working Group.

(i) There is established the Federal Interagency Investment Working Group (Working Group), which will be convened and chaired by the Initiative's Executive Director, in coordination with the Director of the National Economic Council.

(ii) The Working Group shall consist of senior officials from the Departments of State, the Treasury, Defense, Justice, the Interior, Agriculture, Commerce, Labor, Veterans Affairs, Health and Human Services, Housing and Urban Development, Transportation, Energy, Education, and Homeland Security, the Environmental Protection Agency, the Small Business Administration, the Export-Import Bank of the United States, the Office of the United States Trade Representative, the Domestic Policy Council, the National Economic Council, the National Security Staff, the Office of Management and Budget, and the Council of Economic

Advisers, as well as such additional executive departments, agencies, and offices as the Secretary of Commerce may designate. Senior officials shall be designated by and report to the Deputy Secretary or official at the equivalent level of their respective offices, departments, and agencies.

(iii) The Working Group shall coordinate activities to promote business investment and respond to specific issues that affect business investment decisions.

(iv) The Department of Commerce shall provide funding and administrative support for the Working Group to the extent permitted by law and within existing appropriations.

(e) Department and Agency Participation. All executive departments and agencies that have activities relating to business investment decisions shall cooperate with the Initiative, as requested by the Initiative's Executive Director, to support its objectives.

Sec. 3. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to an executive department, agency, or the head thereof, or the status of that department or agency within the Federal Government; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

THE WHITE HOUSE,  
June 15, 2011.

# # #

**FOR IMMEDIATE RELEASE**  
**Wednesday, June 15, 2011**

*News Media Contact:*

Parita Shah, (202) 482-4883, [pshah@doc.gov](mailto:pshah@doc.gov)

**\*\*\*EMBARGOED UNTIL 9:30 A.M. EDT, WEDNESDAY, JUNE 15\*\*\***

**U.S. Commerce Secretary Gary Locke Announces First Federal Effort to Attract and Win  
New Business in the United States**

*New government-wide initiative will help remove federal investment barriers in support of a  
stronger economy and new jobs*

WASHINGTON – U.S. Commerce Secretary Gary Locke announced today - at an event hosted by the Business Roundtable - the first coordinated federal effort to aggressively pursue and win new business investment in the United States. Created by Executive Order, SelectUSA will be housed at the U.S. Department of Commerce and online at [www.SelectUSA.gov](http://www.SelectUSA.gov), and highlight why the United States is the premier place to do business globally and help attract business operations to the U.S., spurring economic growth and job creation.

“America too often finds itself competing on a 21st century playing field using a 20th century playbook. In recent years, we have been losing ground to our foreign competitors in attracting and retaining business investment and have seen U.S. jobs move overseas,” Locke said. “In our increasingly global business environment, SelectUSA will help keep businesses in the United States and attract new businesses from around the world. By refocusing government resources, SelectUSA can make government work better to strengthen the economy and create new jobs for American workers. Simply put, business investment in the U.S. means jobs for the American people, and that is the Obama administration’s number one goal.”

As the U.S. competes with trading partners who have aggressive and large national programs to encourage businesses to move to or expand within their borders, SelectUSA will be a key component to strengthening U.S. competitiveness and winning the future. It will help cut federal red tape and remove barriers to new investment. The initiative is a direct response to concerns the administration has heard from the business community.

“SelectUSA has the potential to cut through the red tape, break through U.S. investment barriers and clear the path for job creation,” said Business Roundtable President John Engler. “We thank Secretary Locke for his leadership. Business Roundtable members are ready to work with the Commerce Department to expand investment opportunities within the U.S. and help keep America competitive.”

“We applaud Secretary Locke and the Obama Administration for taking a crucial step to ensure the United States remains the most attractive place in the world for global companies to invest,” said Nancy McLernon, President and CEO of the [Organization for International Investment](http://www.OrganizatiOnforInternationalInvestment.org). “The U.S. subsidiaries of global companies employ more than 5 million Americans—and if ever there was a time to aggressively market the U.S. as a place to do business, the time is now. In the

race to ‘win the future’ – it’s the country that successfully attracts the world’s investment that will ultimately win.”

Led by newly appointed Executive Director Barry Johnson, SelectUSA will encourage foreign businesses to operate in the United States, U.S. and foreign businesses to expand and grow in the United States, and U.S. businesses operating outside our borders to return their previously off-shored operations back to the United States by:

- Providing assistance to U.S. states, at their request, to address federal “red tape” issues through a new interagency investment facilitation task force;
- Engaging in advocacy and outreach to promote the United States as the best market for business operations in the world, and;
- Launching [www.SelectUSA.gov](http://www.SelectUSA.gov) to serve as a one-stop connection to comprehensive information on federal programs and services available to companies that operate in the United States.

With the help of liaisons from each agency across the federal government, SelectUSA will provide business investment information to supplement state resources and assist U.S. states in bringing businesses to their communities. For the first time, state officials will have a clear point of contact at the federal level to assist with investment issues – a permitting issue or stalled grant, for example – eliminating the need to navigate the federal bureaucracy in search of the appropriate contact.

The Commerce Department is uniquely suited to spearhead SelectUSA, with a global network of personnel in the United States and nearly 80 countries around the world working to drive business growth and development. Barry Johnson comes from the department’s Economic Development Administration where he was a senior policy advisor focused on smarter use of federal resources to support the development of 21<sup>st</sup> century communities where innovation, business investment and job creation flourish. He has experience as a former corporate executive at both a U.S. firm and a U.S. subsidiary of a foreign-owned firm and has led several Obama administration regional innovation initiatives that leverage resources from across federal agencies.

Supported by a comprehensive website, SelectUSA ([www.SelectUSA.gov](http://www.SelectUSA.gov)) will offer government-wide information on federal programs and services available to companies that invest in the United States in one, easy-to-access location. The website will also provide snapshots of the competitive landscape in major U.S. industries and a direct line to state and local economic development agencies.

Both domestic businesses and U.S. subsidiaries of foreign firms play an important role in the U.S. economy. U.S. subsidiaries of foreign firms support over 5 million jobs – accounting for over 10 percent of U.S. private-sector capital investment – nearly 15 percent of annual research and development expenditures, and nearly 20 percent of U.S. exports. The Commerce Department’s Economics and Statistics Administration released a [report](#) Tuesday summarizing recent foreign investment in the U.S. that identified several opportunities for growth.

###



01268-EPA-5691

"Sutley, Nancy H."

<[REDACTED] (b) (6)>

ov>

06/15/2011 08:29 PM

To Richard Windsor

cc

bcc

Subject

Hi - hey can we talk in the morning about the Dingell letter on utility mact and also catch up? Thanks.

Btw - was in your home state today, got to spend some time with Cory Booker.

01268-EPA-5692

**Richard Windsor/DC/USEPA/US**  
06/15/2011 08:31 PM

To "Sutley, Nancy H."  
cc  
bcc  
Subject Re:

Ex.5 - Deliberative

----- Original Message -----

From: "Sutley, Nancy H." [REDACTED] (b) (6)

Sent: 06/15/2011 08:29 PM AST

To: Richard Windsor

Hi - hey can we talk in the morning about the Dingell letter on utility mact and also catch up? Thanks.

Btw - was in your home state today, got to spend some time with Cory Booker.

01268-EPA-5693

**Richard Windsor/DC/USEPA/US**  
06/15/2011 08:44 PM

To "Sutley, Nancy H."  
cc  
bcc  
Subject Re:

Ex.5 - Deliberative

----- Original Message -----

From: Richard Windsor  
Sent: 06/15/2011 08:31 PM EDT  
To: "Sutley, Nancy H." <(b) (6)>  
Subject: Re:

Ex.5 - Deliberative

----- Original Message -----

From: "Sutley, Nancy H." <(b) (6)>  
Sent: 06/15/2011 08:29 PM AST  
To: Richard Windsor

Hi - hey can we talk in the morning about the Dingell letter on utility mact and also catch up? Thanks.

Btw - was in your home state today, got to spend some time with Cory Booker.

01268-EPA-5694

**Richard Windsor/DC/USEPA/US**  
06/15/2011 08:48 PM

To "Sutley, Nancy H."  
cc  
bcc

Subject Re:

Ex.5 - Deliberative

----- Original Message -----

From: "Sutley, Nancy H." [REDACTED] (b) (6)  
Sent: 06/15/2011 08:29 PM AST  
To: Richard Windsor

Hi - hey can we talk in the morning about the Dingell letter on utility mact and also catch up? Thanks.

Btw - was in your home state today, got to spend some time with Cory Booker.

01268-EPA-5695

**Richard Windsor/DC/USEPA/US**  
06/16/2011 08:07 AM

To "Sutley, Nancy H."  
cc  
bcc

Subject Re:

Just tried your cell. I'm free til 830 am or after 915.

----- Original Message -----

From: Richard Windsor  
Sent: 06/15/2011 08:48 PM EDT  
To: "Sutley, Nancy H." <(b) (6)>  
Subject: Re:

Ex.5 - Deliberative

----- Original Message -----

From: "Sutley, Nancy H." <(b) (6)>  
Sent: 06/15/2011 08:29 PM AST  
To: Richard Windsor

Hi - hey can we talk in the morning about the Dingell letter on utility mact and also catch up? Thanks.

Btw - was in your home state today, got to spend some time with Cory Booker.

01268-EPA-5696

**Daniel  
Kanninen/DC/USEPA/US**  
06/20/2011 04:26 PM

To Richard Windsor, Bob Perciasepe  
cc Aaron Dickerson, Diane Thompson  
bcc  
Subject Fw: Statement by the President and Talking Points: U.S.  
Inbound Foreign Direct Investment

FYI

Dan Kanninen  
White House Liaison  
U.S. Environmental Protection Agency  
202.564.7960  
kanninen.daniel@epa.gov

**Subject:** Statement by the President and Talking Points: U.S. Inbound Foreign Direct Investment

Dear Chiefs of Staff and WH Liaisons:

Please see the below Statement by the President and talking points on U.S. inbound foreign direct investment.

--Cabinet Affairs

THE WHITE HOUSE  
Office of the Press Secretary

FOR IMMEDIATE RELEASE  
June 20, 2011

### **Statement by the President on United States Commitment to Open Investment Policy**

The United States reaffirms our open investment policy, a commitment to treat all investors in a fair and equitable manner under the law, and I encourage all countries to pursue such a policy. My Administration is committed to ensuring that the United States continues to be the most attractive place for businesses to locate, invest, grow, and create jobs. We encourage and support business investment from sources both at home and abroad.

Investments by foreign-domiciled companies and investors create well-paid jobs, contribute to economic growth, boost productivity, and support American communities. The United States consistently receives more foreign direct investment than any other country in the world. By voting with their balance sheets, businesses from abroad have clearly stated that the United States is one of the best places in the world to invest. This is because we have a strong and open economy, the world's most productive workforce, a unique culture of innovation and entrepreneurship, remarkable

colleges and universities, and a business environment marked by transparency, protection of intellectual property, and the rule of law.

Inbound investment has long been an important component of our overall economy.

Today, United States subsidiaries of foreign-domiciled companies employ more than 5 million Americans and provide above-average compensation. These companies invest in innovation here in the United States, spending over \$40 billion each year on research and development. And in many cases the goods and services produced here are sold around the world, contributing to the National Export Initiative goal of doubling exports.

In a global economy, the United States faces increasing competition for the jobs and industries of the future. Taking steps to ensure that we remain the destination of choice for investors around the world will help us win that competition and bring prosperity to our people. Consistent with our national security and while ensuring a level playing field for American investors, we will do just that.

###

----

### **Talking Points: Promoting Inbound Foreign Direct Investment to Create Jobs**

- The President's Council of Economic Advisers released a [report](#) on the positive impact and significant potential of U.S. Inbound Foreign Direct Investment, highlighting the Administration's open investment policy that allows foreign-based companies to grow and expand their businesses across the United States.
- The U.S. continues to receive the most foreign direct investment of any country in the world.
- In 2010, we saw the level of inbound foreign direct investment increased 49% over the 2009 level.
- Foreign-based companies that invest directly in the US economy create high-quality, well-paid jobs for American workers – by building new facilities, investing in research and development and growing warehouses, sales offices and service centers.
- Thousands of companies around the world choose to invest and utilize the ingenuity and entrepreneurship of the American workforce, investing billions of dollars, supporting millions of jobs that offer higher than average levels of compensation, ultimately strengthening the U.S. economy.
- Last week, the President's Council on Jobs and Competitiveness put

forward a set of ideas for accelerating private sector job growth. Promoting foreign direct investment was one of the recommendations put forward by the group of private sector leaders because of the great potential for the American economy.

- Additionally, the Administration recently launched the SelectUSA Initiative to facilitate additional investment, reconfirming the federal government's ongoing and unwavering commitment to an open investment climate.
- To compete for the best jobs and develop the industries of the future, the U.S. will continue to pursue an open investment climate to attract businesses to build, develop and expand their companies across the nation.

##

01268-EPA-5697

**Arvin Ganesan/DC/USEPA/US**

To Richard Windsor, Seth Oster, Laura Vaught, David McIntosh

cc

06/22/2011 10:49 AM

bcc

Subject Fw: Republican Officials Urge Administration to Set Aggressive CAFE Standards

Just FYI. Numerous Republicans writing to POTUS urging tighter fuel economy standards in 2017.

-----  
 ARVIN R. GANESAN  
 Deputy Associate Administrator  
 Office of the Administrator  
 United States Environmental Protection Agency  
 Ganesan.Arvin@epa.gov  
 (p) 202.564.5200  
 (f) 202.501.1519

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 06/22/2011 10:41 AM -----

From: "Pat Quinn" <pquinn@theaccordgroup.com>  
 To: <(b) (6)> <(b) (6)> <(b) (6)>  
 <(b) (6)> <(b) (6)> Margo  
 Oge/DC/USEPA/US@EPA, Benjamin Hengst/DC/USEPA/US@EPA, Chet  
 France/AA/USEPA/US@EPA, William Charmley/AA/USEPA/US@EPA, Jeff  
 Alson/AA/USEPA/US@EPA, <mann.robin@epa.gov>, Sarah Dunham/DC/USEPA/US@EPA,  
 David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA,  
 <james.tamm@nhtsa.dot.gov>, <Rebecca.yoon@dot.gov>, <Ronald.medford@nhtsa.dot.gov>,  
 <Michelle.Rice@dot.gov>, <kevin.vincent@dot.gov>, <david.strickland@dot.gov>,  
 <salbu@arb.ca.gov>, <phughes@arb.ca.gov>, <brian.turner@wdc.ca.gov>,  
 <syoun@arb.ca.gov>, <tcackett@arb.ca.gov>, <bcross@arb.ca.gov>, <jgoldste@arb.ca.gov>,  
 <mnichols@arb.ca.gov>, <greg.dotson@mail.house.gov>, <Michal.Freedhoff@mail.house.gov>,  
 <grant\_cope@epw.senate.gov>, <alex-hoehn-saric@commerce.senate.gov>,  
 <jared\_bomberg@commerce.senate.gov>, <matt\_nelson@feinstein.senate.gov>,  
 <Patrick\_woodcock@snowe.senate.gov>, <Kelly\_knutsen@reed.senate.gov>,  
 <sarah\_neimeyer@durbin.senate.gov>, <Chris\_Miller@reid.senate.gov>,  
 <mary.frances.repko@mail.house.gov>  
 Date: 06/22/2011 10:16 AM  
 Subject: Republican Officials Urge Administration to Set Aggressive CAFE Standards

## Memo

To: Gary Guzy, Drew McConville, Dan Utech, John Carsons, Heather Zichal, Margo Oge, Ben Hengst, Chet France, Bill Charmley, Jeff Alson, Robin Mann, Sarah Dunham, David McIntosh, Arvin Ganesan, Jim Tamm, Rebecca Yoon, Ron Medford, Michelle Rice, Kevin Vincent, David Strickland, Steve Albu, Paul Hughes, Brian Turner, Stanley Young, Tom Cackette, Bob Cross, James Goldstene, Mary Nichols, Greg Dalton, Michal Freedhoff, Grant Cope, Alex Hoehn-Saric, Jared Bomberg, Matt Nelson, Patrick Woodcock, Kelly Knutsen, Sarah Neimeyer, Chris Miller, Mary Francis Repko  
 From: Pat Quinn

Date: June 22, 2011

Re: **Republican Officials Urge Administration to Set Aggressive CAFE**

## Standards

Attached is a letter signed by fifteen (15) Republicans including former EPA Administrators, Governors and Members of the House urging President Obama to “set aggressive motor vehicle fuel efficiency and emission standards to help relieve the United States from its dangerous dependency on oil.”

The letter was organized by my friend and colleague, former House Science Committee Chairman Sherwood Boehlert (R-NY). The signers include former EPA Administrators Bill Ruckelshaus, Russell Train, Bill Reilly and Christine Whitman as well as former Governor Jim Douglas (VT) and 10 former House Members.

In the letter to President Obama, these experienced Republican leaders stress that “the volatility of oil prices along with today’s soaring prices at the pump are a threat to our economy and our national security.” The letter concludes by recommending to the President that “you set aggressive standards for 2017-2025 vehicles under a national program that will significantly reduce oil dependence, cut pollution and fortify our economy and national security.”

For further information regarding the letter, or related matters, please contact either Sherry at 315-794-5497/302-227-2388 or (b) (6) or me at 202-289-9800 or [pquinn@theaccordgroup.com](mailto:pquinn@theaccordgroup.com).



6-22-2011 Letter from Republican officials on vehicle stds.pdf

June 22, 2011

The Honorable Barack Obama  
President of the United States  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear President Obama:

The undersigned members of the Republican Party and former elected and appointed officials urge you to set aggressive motor vehicle fuel efficiency and emission standards to help relieve the United States from its dangerous dependence on oil. The volatility of oil prices along with today's soaring price at the pump are a threat to our economy and national security.

Reductions in fuel consumption could not come at a more important time. With thousands of U.S. troops fighting overseas, unrest in the Middle East and consumers at home feeling the pain at the pump we must resolve to unshackle ourselves from the world oil market. The U.S. has less than 2 percent of global reserves yet we consume nearly a quarter of oil total supply. We import a disproportionate amount of our petroleum needs at an enormous cost to our economy. If oil continues to be a primary driver of our economy and security, we will hand our destiny to other nations, many of which do not share our interests.

Cars and light trucks are the single largest consumers of oil. Today, the on-road fleet averages only 21 miles per gallon of gasoline, but we have the technology to do much better. Recent and new models such as the Ford Fusion Hybrid family sedan, Ford Explorer SUV with Eco-Boost, and the Chevy Volt plug-in electric car are evidence that American innovation can provide consumers with more choices of efficient vehicles in the showroom, save money at the pump and dramatically cut our nation's oil demand. To unleash more fuel-saving ingenuity, however, it is critical that the automotive industry has a long-term and stable policy direction.

Strong, forward-looking standards for new vehicle fuel efficiency and emissions will provide industry with needed certainty for investment in new technologies while also driving reductions in oil consumption and carbon pollution that fuels climate change. In 2007, in response to overwhelming concerns about our oil dependency, Congress passed the bipartisan Energy Independence and Security Act (EISA) that required the first substantial increase in fuel economy standards in 25 years. In 2009, the Department of Transportation, Environmental Protection Agency and the State of California worked together to adopt standards that raised fuel economy to 35.5 mpg by 2016 for cars, pickups, minivans and sport utility vehicles. The final joint rule demonstrates that a single program to reduce oil consumption and carbon emissions can result in an aggressive policy to meet the goals of both EISA and the Clean Air Act and assure that we do not again lose valuable time in systemically improving fuel efficiency.

We strongly support the joint agency efforts to continue the success of these standards by strengthening vehicle standards for model years 2017 to 2025. Recent analysis by your agencies, as detailed in the October 2010 Notice of Intent and accompanying Technical Assessment Report, demonstrate that strong efficiency standards—with improvements of six percent annually—are achievable and cost-effective for consumers. We recommend that you promulgate aggressive standards for the 2017 to 2025 vehicles under a national program that will significantly reduce our oil dependence, cut pollution and fortify our economy and national security.

Sincerely,

**The Honorable Jim Douglas**  
Former Governor of Vermont,  
2003-2011

**The Honorable Christine Whitman**  
EPA Administrator, George W. Bush  
Administration;  
Former Governor of New Jersey,  
1994-2001

**Russell Train**  
EPA Administrator, Nixon and Ford  
Administrations

**Bill Reilly**  
EPA Administrator, George H.W. Bush  
Administration

**Bill Ruckelshaus**  
EPA Administrator, Nixon and Reagan  
Administrations

**The Honorable Sherwood Boehlert**  
R-New York, 2003-2007

**The Honorable Michael Castle**  
R-Delaware, 1993-2011

**The Honorable Vernon Ehlers**  
R-Michigan, 1993-2011

**The Honorable Wayne Gilchrest**  
R-Maryland, 1991-2009

**The Honorable Benjamin Gilman**  
R-New York, 1973-2003

**The Honorable Amory Houghton**  
R-New York, 1987-2005

**The Honorable Connie Morella**  
R-Maryland, 2003-2007

**The Honorable Jim Ramstad**  
R-Minnesota, 1991-2009

**The Honorable Christopher Shays**  
R-Connecticut, 1987-2009

**The Honorable Peter Smith**  
R-Vermont, 1983-1987

Cc: The Honorable Ray LaHood, Secretary of Transportation  
Lisa Jackson, Administrator, Environmental Protection Agency

01268-EPA-5698

Diane  
Thompson/DC/USEPA/US  
06/22/2011 07:53 PM

To "Richard Windsor", "Bob Perciasepe"  
cc "Aaron Dickerson", "Dan Kanninen"  
bcc

Subject Fw: President's Remarks on Afghanistan

FYI

---

**From:** "King, Colleen" [REDACTED] (b) (6)  
**Sent:** 06/22/2011 07:52 PM AST  
**To:** "(Matt\_Lee-Ashley@ios.doi.gov)" <Matt\_Lee-Ashley@ios.doi.gov>; "abedinh@state.gov" <abedinh@state.gov>; "Ahmed, Salman (USUN)" <AhmedSAL@state.gov>; "Alastair.Fitzpayne@do.treas.gov" <Alastair.Fitzpayne@do.treas.gov>; "Shlossman, Amy" <Amy.Shlossman@dhs.gov>; "Brandon Hurlbut (Brandon.Hurlbut@hq.doe.gov)" <Brandon.Hurlbut@hq.doe.gov>; "Carole Jett (Jett@osec.usda.gov)" <Jett@osec.usda.gov>; "Cheryl Mills (MillsCD@state.gov)" <MillsCD@state.gov>; "Davis, Laura" <Laura\_Davis@ios.doi.gov>; Dawn O'Connell <Dawn.O'Connell@hhs.gov>; "emoran@doc.gov" <emoran@doc.gov>; Eric Waldo -- Education <Eric.Waldo@ed.gov>; "Garcia, Lisa A." <[REDACTED] (b) (6)>; Gary Grindler <Gary.Grindler@usdoj.gov>; "Gavin, Tom" <[REDACTED] (b) (6)>; "Gibson, Nan M." <[REDACTED] (b) (6)>; Robert Goulding; "Harris, Grant T" <HarrisGT@state.gov>; "Harris, Kim" <[REDACTED] (b) (6)>; "Hitchcock, Adam" <[REDACTED] (b) (6)>; "Hitchcock1, Adam" <[REDACTED] (b) (6)>; Irasema Garza <Garza.Irasema.t@dol.gov>; Jake Sullivan <SullivanJJ@state.gov>; Jay Reich <jreich@doc.gov>; "Jeff Navin (jeff.navin@hq.doe.gov)" <jeff.navin@hq.doe.gov>; "joan.deboer@dot.gov" <'joan.deboer@dot.gov'>; "Joanne Weiss (Joanne.weiss@ed.gov)" <Joanne.weiss@ed.gov>; "John.R.Norris@osec.usda.gov" <John.R.Norris@osec.usda.gov'>; "johnr.gingrich@va.gov" <'johnr.gingrich@va.gov'>; "King, Barry" <[REDACTED] (b) (6)>; "Krysta Harden (Krysta.harden@osec.usda.gov)" <Krysta.harden@osec.usda.gov>; "Laurel.A.Blatchford@hud.gov" <Laurel.A.Blatchford@hud.gov'>; "Lillie, Catherine E (USUN)" <LillieCE@state.gov>; Loren Rae DeJonge <Loren.DeJonge@sd mil>; "Mark Patterson (Mark.Patterson@do.treas.gov)" <Mark.Patterson@do.treas.gov>; "marlise.streitmatter@dot.gov" <'marlise.streitmatter@dot.gov'>; Mary Beth Maxwell <Maxwell.Mary.Beth@dol.gov>; "Michael French (Mike\_French@ios.doi.gov)" <Mike\_French@ios.doi.gov>; "Missy Owens (Missy.owens@hq.doe.gov)" <Missy.owens@hq.doe.gov>; "Nishant Roy (nroy@usaid.gov)" <nroy@usaid.gov>; "Kroloff, Noah" <Noah.Kroloff@dhs.gov>; Nora Toiv <ToivNF@state.gov>; "Patrick.Maloney@do.treas.gov" <Patrick.Maloney@do.treas.gov>; "Richardson, Margaret" <Margaret.Richardson@usdoj.gov>; Robert Rangel <robert.rangel@sd.mil>; Ryan CIV SD McCarthy <Ryan.McCarthy@sd mil>; "Sally.Howard@hhs.gov" <Sally.Howard@hhs.gov>; "Thompson.Diane@epamail.epa.gov" <'Thompson.Diane@epamail.epa.gov'>; "Tillman, Terrell CIV SD" <Terrell.Tillman@sd mil>; Tyra Mariani <Tyra.Mariani@ed.gov>

**Subject:** President's Remarks on Afghanistan

Dear Chiefs of Staff,

Please see below the President's remarks on Afghanistan.

Thank you.

--Cabinet Affairs

THE WHITE HOUSE  
Office of the Press Secretary

---

---

**EMBARGOED UNTIL DELIVERY**

June 22, 2011

**Remarks of President Barack Obama – As Prepared for Delivery  
On the Way Forward in Afghanistan  
Washington, D.C.  
June 22, 2011**

*As Prepared for Delivery –*

Good evening. Nearly ten years ago, America suffered the worst attack on our shores since Pearl Harbor. This mass murder was planned by Osama bin Laden and his al Qaeda network in Afghanistan, and signaled a new threat to our security – one in which the targets were no longer soldiers on a battlefield, but innocent men, women and children going about their daily lives.

In the days that followed, our nation was united as we struck at al Qaeda and routed the Taliban in Afghanistan. Then, our focus shifted. A second war was launched in Iraq, and we spent enormous blood and treasure to support a new government there. By the time I took office, the war in Afghanistan had entered its seventh year. But al Qaeda's leaders had escaped into Pakistan and were plotting new attacks, while the Taliban had regrouped and gone on the offensive. Without a new strategy and decisive action, our military commanders warned that we could face a resurgent al Qaeda, and a Taliban taking over large parts of Afghanistan.

For this reason, in one of the most difficult decisions that I've made as President, I ordered an additional 30,000 American troops into Afghanistan. When I announced this surge at West Point, we set clear objectives: to refocus on al Qaeda; reverse the Taliban's momentum; and train Afghan Security Forces to defend their own country. I also made it clear that our commitment would not be open-ended, and that we would begin to drawdown our forces this July.

Tonight, I can tell you that we are fulfilling that commitment. Thanks to our men and women in uniform, our civilian personnel, and our many coalition partners, we are meeting our goals. As a result, starting next month, we will be able to remove 10,000 of our troops from Afghanistan by the end of this year, and we will bring home a total of 33,000 troops by next summer, fully recovering the surge I announced at West Point. After this initial reduction, our troops will continue coming home at a steady pace as Afghan Security forces move into the lead. Our mission will change from combat to support. By 2014, this process of transition will be complete, and the Afghan people will be responsible for their own security.

We are starting this drawdown from a position of strength. Al Qaeda is under more pressure than at any time since 9/11. Together with the Pakistanis, we have taken out more than half of al Qaeda's leadership. And thanks to our intelligence professionals and Special Forces, we killed Osama bin Laden, the only leader that al Qaeda had ever known. This was a victory for all who have served since 9/11. One soldier summed it up well. "The message," he said, "is we don't forget. You will be held accountable, no matter how long it takes."

The information that we recovered from bin Laden's compound shows al Qaeda under enormous strain. Bin Laden expressed concern that al Qaeda has been unable to effectively replace senior terrorists that have been killed, and that al Qaeda has failed in its effort to portray America as a nation at war with Islam - thereby draining more widespread support. Al Qaeda remains dangerous, and we must be vigilant against attacks. But we have put al Qaeda on a path to defeat, and we will not relent until the job is done.

In Afghanistan, we've inflicted serious losses on the Taliban and taken a number of its strongholds. Along with our surge, our allies also increased their commitments, which helped stabilize more of the country. Afghan Security Forces have grown by over 100,000 troops, and in some provinces and municipalities we have already begun to transition responsibility for security to the Afghan people. In the face of violence and intimidation, Afghans are fighting and dying for their country, establishing local police forces, opening markets and schools, creating new opportunities for women and girls, and trying to turn the page on decades of war.

Of course, huge challenges remain. This is the beginning - but not the end - of our effort to wind down this war. We will have to do the hard work of keeping the gains that we have made, while we drawdown our forces and transition responsibility for security to the Afghan government. And next May, in Chicago, we will host a summit with our NATO allies and partners to shape the next phase of this transition.

We do know that peace cannot come to a land that has known so much war without a political settlement. So as we strengthen the Afghan government and Security Forces, America will join initiatives that reconcile the Afghan people, including the Taliban. Our position on these talks is clear: they must be led by the Afghan government, and those who want to be a part of a peaceful Afghanistan must break from al Qaeda, abandon violence, and abide by the Afghan Constitution. But, in part because of our military effort, we have reason to believe that progress can be made.

The goal that we seek is achievable, and can be expressed simply: no safe-haven from which al Qaeda or its affiliates can launch attacks against our homeland, or our allies. We will not try to make Afghanistan a perfect place. We will not police its streets or

patrol its mountains indefinitely. That is the responsibility of the Afghan government, which must step up its ability to protect its people; and move from an economy shaped by war to one that can sustain a lasting peace. What we can do, and will do, is build a partnership with the Afghan people that endures – one that ensures that we will be able to continue targeting terrorists and supporting a sovereign Afghan government.

Of course, our efforts must also address terrorist safe-havens in Pakistan. No country is more endangered by the presence of violent extremists, which is why we will continue to press Pakistan to expand its participation in securing a more peaceful future for this war-torn region. We will work with the Pakistani government to root out the cancer of violent extremism, and we will insist that it keep its commitments. For there should be no doubt that so long as I am President, the United States will never tolerate a safe-haven for those who aim to kill us: they cannot elude us, nor escape the justice they deserve.

My fellow Americans, this has been a difficult decade for our country. We have learned anew the profound cost of war -- a cost that has been paid by the nearly 4500 Americans who have given their lives in Iraq, and the over 1500 who have done so in Afghanistan – men and women who will not live to enjoy the freedom that they defended. Thousands more have been wounded. Some have lost limbs on the field of battle, and others still battle the demons that have followed them home.

Yet tonight, we take comfort in knowing that the tide of war is receding. Fewer of our sons and daughters are serving in harm's way. We have ended our combat mission in Iraq, with 100,000 American troops already out of that country. And even as there will be dark days ahead in Afghanistan, the light of a secure peace can be seen in the distance. These long wars will come to a responsible end.

As they do, we must learn their lessons. Already this decade of war has caused many to question the nature of America's engagement around the world. Some would have America retreat from our responsibility as an anchor of global security, and embrace an isolation that ignores the very real threats that we face. Others would have America over-extend ourselves, confronting every evil that can be found abroad.

We must chart a more centered course. Like generations before, we must embrace America's singular role in the course of human events. But we must be as pragmatic as we are passionate; as strategic as we are resolute. When threatened, we must respond with force – but when that force can be targeted, we need not deploy large armies overseas. When innocents are being slaughtered and global security endangered, we don't have to choose between standing idly by or acting on our own. Instead, we must rally international action, which we are doing in Libya, where we do not have a single soldier on the ground, but are supporting allies in protecting the Libyan people and giving them the chance to determine their destiny.

In all that we do, we must remember that what sets America apart is not solely our power – it is the principles upon which our union was founded. We are a nation that brings our enemies to justice while adhering to the rule of law, and respecting the rights of all our citizens. We protect our own freedom and prosperity by extending it to others. We stand not for empire, but for self-determination. That is why we have a stake in the democratic aspirations that are now washing across the Arab World. We will support those revolutions with fidelity to our ideals, with the power of our example, and with an unwavering belief that all human beings deserve to live with freedom and dignity.

Above all, we are a nation whose strength abroad has been anchored in opportunity for our citizens at home. Over the last decade, we have spent a trillion dollars on war, at a time of rising debt and hard economic times. Now, we must invest in America's greatest resource – our people. We must unleash innovation that creates new jobs and industry, while living within our means. We must rebuild our infrastructure and find new and clean sources of energy. And most of all, after a decade of passionate debate, we must recapture the common purpose that we shared at the beginning of this time of war. For our nation draws strength from our differences, and when our union is strong no hill is too steep and no horizon is beyond our reach.

America, it is time to focus on nation building here at home.

In this effort, we draw inspiration from our fellow Americans who have sacrificed so much on our behalf. To our troops, our veterans and their families, I speak for all Americans when I say that we will keep our sacred trust with you, and provide you with the care, and benefits, and opportunity that you deserve.

I met some of those patriotic Americans at Fort Campbell. A while back, I spoke to the 101<sup>st</sup> Airborne that has fought to turn the tide in Afghanistan, and to the team that took out Osama bin Laden. Standing in front of a model of bin Laden's compound, the Navy SEAL who led that effort paid tribute to those who had been lost – brothers and sisters in arms whose names are now written on bases where our troops stand guard overseas, and on headstones in quiet corners of our country where their memory will never be forgotten. This officer – like so many others I have met with on bases, in Baghdad and Bagram, at Walter Reed and Bethesda Naval Hospital – spoke with humility about how his unit worked together as one – depending on each other, and trusting one another, as a family might do in a time of peril.

That's a lesson worth remembering – that we are all a part of one American family. Though we have known disagreement and division, we are bound together by the creed that is written into our founding documents, and a conviction that the United States of America is a country that can achieve whatever it sets out to accomplish. Now, let us finish the work at hand. Let us responsibly end these wars, and reclaim the American

Dream that is at the center of our story. With confidence in our cause; with faith in our fellow citizens; and with hope in our hearts, let us go about the work of extending the promise of America – for this generation, and the next. May God bless our troops. And may God bless the United States of America.

###

01268-EPA-5699

Seth Oster/DC/USEPA/US

To "Bob Perciasepe", "Lisa Jackson"

06/22/2011 09:37 PM

cc

bcc

Subject Fw: President's Remarks on Afghanistan

---

**From:** "Gavin, Tom" [REDACTED] (b) (6)

**Sent:** 06/22/2011 09:37 PM AST

**To:** "Gavin, Tom" <[REDACTED]> (b) (6)

**Subject:** RE: President's Remarks on Afghanistan

[Here are the TPs –](#)

Ex.5 - Deliberative

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

• Ex.5 - Deliberative  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

• [REDACTED] Ex.5 - Deliberative [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

##

**From:** Gavin, Tom  
**Sent:** Wednesday, June 22, 2011 8:03 PM  
**To:** Gavin, Tom  
**Subject:** FW: President's Remarks on Afghanistan

All,

Below are the POTUS remarks for tonight. Also, attached is the text of a background briefing call that occurred earlier this afternoon. Talking points will follow.

THE WHITE HOUSE  
Office of the Press Secretary

---

---

**EMBARGOED UNTIL DELIVERY**

June 22, 2011

**Remarks of President Barack Obama - As Prepared for Delivery**

**On the Way Forward in Afghanistan**  
**Washington, D.C.**  
**June 22, 2011**

*As Prepared for Delivery –*

Good evening. Nearly ten years ago, America suffered the worst attack on our shores since Pearl Harbor. This mass murder was planned by Osama bin Laden and his al Qaeda network in Afghanistan, and signaled a new threat to our security – one in which the targets were no longer soldiers on a battlefield, but innocent men, women and children going about their daily lives.

In the days that followed, our nation was united as we struck at al Qaeda and routed the Taliban in Afghanistan. Then, our focus shifted. A second war was launched in Iraq, and we spent enormous blood and treasure to support a new government there. By the time I took office, the war in Afghanistan had entered its seventh year. But al Qaeda's leaders had escaped into Pakistan and were plotting new attacks, while the Taliban had regrouped and gone on the offensive. Without a new strategy and decisive action, our military commanders warned that we could face a resurgent al Qaeda, and a Taliban taking over large parts of Afghanistan.

For this reason, in one of the most difficult decisions that I've made as President, I ordered an additional 30,000 American troops into Afghanistan. When I announced this surge at West Point, we set clear objectives: to refocus on al Qaeda; reverse the Taliban's momentum; and train Afghan Security Forces to defend their own country. I also made it clear that our commitment would not be open-ended, and that we would begin to drawdown our forces this July.

Tonight, I can tell you that we are fulfilling that commitment. Thanks to our men and women in uniform, our civilian personnel, and our many coalition partners, we are meeting our goals. As a result, starting next month, we will be able to remove 10,000 of our troops from Afghanistan by the end of this year, and we will bring home a total of 33,000 troops by next summer, fully recovering the surge I announced at West Point. After this initial reduction, our troops will continue coming home at a steady pace as Afghan Security forces move into the lead. Our mission will change from combat to support. By 2014, this process of transition will be complete, and the Afghan people will be responsible for their own security.

We are starting this drawdown from a position of strength. Al Qaeda is under more pressure than at any time since 9/11. Together with the Pakistanis, we have taken out more than half of al Qaeda's leadership. And thanks to our intelligence professionals and Special Forces, we killed Osama bin Laden, the only leader that al Qaeda had ever known. This was a victory for all who have served since 9/11. One soldier summed it

up well. "The message," he said, "is we don't forget. You will be held accountable, no matter how long it takes."

The information that we recovered from bin Laden's compound shows al Qaeda under enormous strain. Bin Laden expressed concern that al Qaeda has been unable to effectively replace senior terrorists that have been killed, and that al Qaeda has failed in its effort to portray America as a nation at war with Islam – thereby draining more widespread support. Al Qaeda remains dangerous, and we must be vigilant against attacks. But we have put al Qaeda on a path to defeat, and we will not relent until the job is done.

In Afghanistan, we've inflicted serious losses on the Taliban and taken a number of its strongholds. Along with our surge, our allies also increased their commitments, which helped stabilize more of the country. Afghan Security Forces have grown by over 100,000 troops, and in some provinces and municipalities we have already begun to transition responsibility for security to the Afghan people. In the face of violence and intimidation, Afghans are fighting and dying for their country, establishing local police forces, opening markets and schools, creating new opportunities for women and girls, and trying to turn the page on decades of war.

Of course, huge challenges remain. This is the beginning – but not the end – of our effort to wind down this war. We will have to do the hard work of keeping the gains that we have made, while we drawdown our forces and transition responsibility for security to the Afghan government. And next May, in Chicago, we will host a summit with our NATO allies and partners to shape the next phase of this transition.

We do know that peace cannot come to a land that has known so much war without a political settlement. So as we strengthen the Afghan government and Security Forces, America will join initiatives that reconcile the Afghan people, including the Taliban. Our position on these talks is clear: they must be led by the Afghan government, and those who want to be a part of a peaceful Afghanistan must break from al Qaeda, abandon violence, and abide by the Afghan Constitution. But, in part because of our military effort, we have reason to believe that progress can be made.

The goal that we seek is achievable, and can be expressed simply: no safe-haven from which al Qaeda or its affiliates can launch attacks against our homeland, or our allies. We will not try to make Afghanistan a perfect place. We will not police its streets or patrol its mountains indefinitely. That is the responsibility of the Afghan government, which must step up its ability to protect its people; and move from an economy shaped by war to one that can sustain a lasting peace. What we can do, and will do, is build a partnership with the Afghan people that endures – one that ensures that we will be able to continue targeting terrorists and supporting a sovereign Afghan government.

Of course, our efforts must also address terrorist safe-havens in Pakistan. No country is more endangered by the presence of violent extremists, which is why we will continue to press Pakistan to expand its participation in securing a more peaceful future for this war-torn region. We will work with the Pakistani government to root out the cancer of violent extremism, and we will insist that it keep its commitments. For there should be no doubt that so long as I am President, the United States will never tolerate a safe-haven for those who aim to kill us: they cannot elude us, nor escape the justice they deserve.

My fellow Americans, this has been a difficult decade for our country. We have learned anew the profound cost of war -- a cost that has been paid by the nearly 4500 Americans who have given their lives in Iraq, and the over 1500 who have done so in Afghanistan -- men and women who will not live to enjoy the freedom that they defended. Thousands more have been wounded. Some have lost limbs on the field of battle, and others still battle the demons that have followed them home.

Yet tonight, we take comfort in knowing that the tide of war is receding. Fewer of our sons and daughters are serving in harm's way. We have ended our combat mission in Iraq, with 100,000 American troops already out of that country. And even as there will be dark days ahead in Afghanistan, the light of a secure peace can be seen in the distance. These long wars will come to a responsible end.

As they do, we must learn their lessons. Already this decade of war has caused many to question the nature of America's engagement around the world. Some would have America retreat from our responsibility as an anchor of global security, and embrace an isolation that ignores the very real threats that we face. Others would have America over-extend ourselves, confronting every evil that can be found abroad.

We must chart a more centered course. Like generations before, we must embrace America's singular role in the course of human events. But we must be as pragmatic as we are passionate; as strategic as we are resolute. When threatened, we must respond with force -- but when that force can be targeted, we need not deploy large armies overseas. When innocents are being slaughtered and global security endangered, we don't have to choose between standing idly by or acting on our own. Instead, we must rally international action, which we are doing in Libya, where we do not have a single soldier on the ground, but are supporting allies in protecting the Libyan people and giving them the chance to determine their destiny.

In all that we do, we must remember that what sets America apart is not solely our power -- it is the principles upon which our union was founded. We are a nation that brings our enemies to justice while adhering to the rule of law, and respecting the rights of all our citizens. We protect our own freedom and prosperity by extending it to others. We stand not for empire, but for self-determination. That is why we have a stake in the

democratic aspirations that are now washing across the Arab World. We will support those revolutions with fidelity to our ideals, with the power of our example, and with an unwavering belief that all human beings deserve to live with freedom and dignity.

Above all, we are a nation whose strength abroad has been anchored in opportunity for our citizens at home. Over the last decade, we have spent a trillion dollars on war, at a time of rising debt and hard economic times. Now, we must invest in America's greatest resource - our people. We must unleash innovation that creates new jobs and industry, while living within our means. We must rebuild our infrastructure and find new and clean sources of energy. And most of all, after a decade of passionate debate, we must recapture the common purpose that we shared at the beginning of this time of war. For our nation draws strength from our differences, and when our union is strong no hill is too steep and no horizon is beyond our reach.

America, it is time to focus on nation building here at home.

In this effort, we draw inspiration from our fellow Americans who have sacrificed so much on our behalf. To our troops, our veterans and their families, I speak for all Americans when I say that we will keep our sacred trust with you, and provide you with the care, and benefits, and opportunity that you deserve.

I met some of those patriotic Americans at Fort Campbell. A while back, I spoke to the 101<sup>st</sup> Airborne that has fought to turn the tide in Afghanistan, and to the team that took out Osama bin Laden. Standing in front of a model of bin Laden's compound, the Navy SEAL who led that effort paid tribute to those who had been lost - brothers and sisters in arms whose names are now written on bases where our troops stand guard overseas, and on headstones in quiet corners of our country where their memory will never be forgotten. This officer - like so many others I have met with on bases, in Baghdad and Bagram, at Walter Reed and Bethesda Naval Hospital - spoke with humility about how his unit worked together as one - depending on each other, and trusting one another, as a family might do in a time of peril.

That's a lesson worth remembering - that we are all a part of one American family. Though we have known disagreement and division, we are bound together by the creed that is written into our founding documents, and a conviction that the United States of America is a country that can achieve whatever it sets out to accomplish. Now, let us finish the work at hand. Let us responsibly end these wars, and reclaim the American Dream that is at the center of our story. With confidence in our cause; with faith in our fellow citizens; and with hope in our hearts, let us go about the work of extending the promise of America - for this generation, and the next. May God bless our troops. And may God bless the United States of America.

###



01268-EPA-5700

**Seth Oster/DC/USEPA/US**

To Richard Windsor

06/28/2011 01:48 PM

cc

bcc

Subject Fw: Questions for EPA/Jackson piece

FYI.

Seth Oster  
Associate Administrator  
Office of External Affairs and Environmental Education  
Environmental Protection Agency  
(202) 564-1918  
oster.seth@epa.gov

----- Forwarded by Seth Oster/DC/USEPA/US on 06/28/2011 01:48 PM -----

From: "Broder, John" <broder@nytimes.com>  
To: "Stevens, Clark" <(b) (6)>  
Cc: Seth Oster/DC/USEPA/US@EPA  
Date: 06/28/2011 01:29 PM  
Subject: Questions for EPA/Jackson piece

---

Clark:

As I think you know, I'm working on a piece on Lisa Jackson's multiple challenges at EPA. One of the ones I'm highlighting is her relations with the White House as she moves forward with a number of controversial and potentially costly regulations, including auto mileage standards, ozone and greenhouse gases, at the same time that the president is gearing up for reelection.

She says she is mindful of the various pressures and constraints on the president and is satisfied with the level of political and rhetorical support he has given (in the state of the union, in the continuing resolution debate, etc).

But others who support her and have spoken to her express concern that as the reelection approaches the level of support for some of the difficult rulemakings the EPA is engaged in will fall off – particularly the ozone and ghg rules. There is a fairly wide perception in the environmental community that the delays in previous rules (coal ash, boiler mact, mercury/toxics) were driven by political pressures from the White House and they fear that more are coming. Ozone appears to be a particular flashpoint, because of the large number of counties that will be driven into non-attainment by a standard in the range the EPA's scientific advisory panel has identified.

One person with ties to EPA and the White House says that Ms. Jackson was essentially "left behind enemy lines" when the WH failed to push the cap and trade bill in the Senate, leaving her vulnerable in a hostile Congress.

Bill Reilly, the former EPA director, says that the president should publicly meet with Ms. Jackson as a way of reassuring the public, the EPA staff and her "that he 'gets it' and stands behind the Agency's enforcement of 40 years of environmental law."

Would like to have some sort of White House comment to place high up in the story to answer some of these concerns.

Am planning to file tomorrow, probably for Thursday's paper.

Thanks,

Broder

01268-EPA-5701

Arvin Ganesan/DC/USEPA/US

To Richard Windsor, Seth Oster, Bob Perciasepe, Bob Sussman, Diane Thompson

07/01/2011 10:11 AM

cc

bcc

Subject Fw: my blog on H.R. 2018 Mica-Rahall

Ex.5 - Deliberative

## Plans to Repeal the Clean Water Act

As a young EPA staffer, I worked with the congressional committee staffs on what is properly entitled the "Federal Water Pollution Control Act of 1977 [Commonly Referred to as the Clean Water Act]." At the first Conference between the House and the Senate, there was a 45 minute debate on what the title would be. The House wanted the Federal Water Pollution Control Act of 1977; the Senate wanted Clean Water Act. The House argued the pollution needed to be controlled under federal standards; the Senate wanted to be more goal-oriented and aim for clean water. I turned to the person sitting next to me when the title was finally agreed to and said "if they debate 45 minutes on the title, this bill is dead."

I was wrong. There was a strong bipartisan, bicameral support for protecting our waters. Americans then, and now, want government to protect them from threats that we, as individuals, are helpless to defend ourselves --contaminated water, dirty air, tainted food, nuclear attacks. It was clear that earlier laws, before the original water act of 1972, that flowing waters ignored state lines and that allowing states to set standards would continue a "race to the bottom" or transferring problems to neighboring states. Last week, without a hearing, the House Transportation and Infrastructure Committee, took Federal out of the Federal Water Pollution Control Act and went back 60 years to essentially make clean water a state option. The bill unbelievably was rushed through with no hearings apparently because the two sponsors, the Committee Chair, John Mica and the Ranking Democrat, Nick Rahall, were too embarrassed to put light on their radical proposal. Several of my colleagues have already blogged on the bill [here](#) and [here](#) and [here](#). It is likely, without a record, many of the members, particularly the 90+ new members, who take clean water as a given don't appreciate the critical federal role.

In 1994, I worked for this House Committee and many members wanted major changes in the Act. After a series of hearings, the members realized that the risk of change to satisfy a few special interests were just too controversial and dangerous. Hearings, if done to educate, can be useful tools. Ignoring the normal procedure to fast track special interest legislation, is almost always a mistake.

There have been multiple attacks on environment during this Congress; polluters have lobbied Congress to undo virtually every regulation that the basic environmental laws requires. These companies, or trade association try to develop a short-term advantage over their competitors who have invested in controlling pollution. Apparently lobbyists are cheaper than controlling pollution while the health of every American but particularly those who are old, young or have compromised immune systems are put at risk.

**But H.R. 2018 is the first serious attempt to essentially repeal one of the basic environmental laws, the Clean Water Act.** The bill virtually ends the federal backstop on what is now a state dominated clean water program; creating a perfect system for a new race to the bottom. The authors, John Mica of Florida and Nick Rahall of West Virginia are upset with particular rules that EPA promulgated or rulings made under the present Act that they don't like – rules that protect Florida's waters from excess runoff pollution or restrictions on coal companies that want to blow up mountains to find some coal without having to hire miners to look underground.

As we head to the beach for the holidays, looking over the ocean, river or lakes, fishing or just drinking water or eating catfish or salmon, don't forget your Congress will be voting to jeopardize our water resources to help some polluters make an extra buck. Neither party should be part of this travesty.

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 07/01/2011 10:05 AM -----

From: "Slesinger, Scott" <sslesinger@nrdc.org>  
To: Arvin Ganesan/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, "Goo, Michael" <Michael.Goo@mail.house.gov>, "Amy Salzman" (b) (6), "Alyssandra Campaigne" <alys@engagestrategies.com>  
Cc: "Repko, Mary Frances" <Mary.Frances.Repko@mail.house.gov>, <robert.edmonson@mail.house.gov>, <jason\_albritton@epw.senate.gov>, "Burke, Mike (Cardin)" <Mike\_Burke@cardin.senate.gov>  
Date: 06/30/2011 10:34 PM  
Subject: my blog on H.R. 2018 Mica-Rahall

---

[http://switchboard.nrdc.org/blogs/sslesinger/plans\\_to\\_repeal\\_the\\_clean\\_wate.html](http://switchboard.nrdc.org/blogs/sslesinger/plans_to_repeal_the_clean_wate.html)

Thought you may find useful. My blog also links to other NRDC blogs on this issue.

Scott Slesinger  
*Legislative Director*  
Natural Resources Defense Council  
The new address is:  
**1152 15th Street, NW**  
**Suite 300**  
**Washington, DC 20005**  
202-289-2402 (o)  
202-486-5639 (c)  
[sslesinger@nrdc.org](mailto:sslesinger@nrdc.org)  
[www.nrdc.org](http://www.nrdc.org)

01268-EPA-5702

Richard Windsor/DC/USEPA/US  
07/01/2011 10:42 AM

To Arvin Ganesan  
cc  
bcc

Subject Re: my blog on H.R. 2018 Mica-Rahall

Ex.5 - Deliberative

Arvin Ganesan

----- Original Message -----

**From:** Arvin Ganesan  
**Sent:** 07/01/2011 10:11 AM EDT  
**To:** Richard Windsor; Seth Oster; Bob Perciasepe; Bob Sussman; Diane Thompson  
**Subject:** Fw: my blog on H.R. 2018 Mica-Rahall

Ex.5 - Deliberative

## Plans to Repeal the Clean Water Act

As a young EPA staffer, I worked with the congressional committee staffs on what is properly entitled the "Federal Water Pollution Control Act of 1977 [Commonly Referred to as the Clean Water Act]." At the first Conference between the House and the Senate, there was a 45 minute debate on what the title would be. The House wanted the Federal Water Pollution Control Act of 1977; the Senate wanted Clean Water Act. The House argued the pollution needed to be controlled under federal standards; the Senate wanted to be more goal-oriented and aim for clean water. I turned to the person sitting next to me when the title was finally agreed to and said "if they debate 45 minutes on the title, this bill is dead."

I was wrong. There was a strong bipartisan, bicameral support for protecting our waters. Americans then, and now, want government to protect them from threats that we, as individuals, are helpless to defend ourselves --contaminated water, dirty air, tainted food, nuclear attacks. It was clear that earlier laws, before the original water act of 1972, that flowing waters ignored state lines and that allowing states to set standards would continue a "race to the bottom" or transferring problems to neighboring states. Last week, without a hearing, the House Transportation and Infrastructure Committee, took Federal out of the Federal Water Pollution Control Act and went back 60 years to essentially make clean water a state option. The bill unbelievably was rushed through with no hearings apparently because the two sponsors, the Committee Chair, John Mica and the Ranking Democrat, Nick Rahall, were too embarrassed to put light on their radical proposal. Several of my colleagues have already blogged on the bill [here](#) and [here](#) and [here](#). It is likely, without a record, many of the members, particularly the 90+ new members, who take clean water as a given don't appreciate the critical federal role.

In 1994, I worked for this House Committee and many members wanted major changes in the Act. After a series of hearings, the members realized that the risk of change to satisfy a few special interests were just too controversial and dangerous. Hearings, if done to educate, can be useful tools. Ignoring the normal procedure to fast track special interest legislation, is almost

always a mistake.

There have been multiple attacks on environment during this Congress; polluters have lobbied Congress to undo virtually every regulation that the basic environmental laws requires. These companies, or trade association try to develop a short-term advantage over their competitors who have invested in controlling pollution. Apparently lobbyists are cheaper than controlling pollution while the health of every American but particularly those who are old, young or have compromised immune systems are put at risk.

**But H.R. 2018 is the first serious attempt to essentially repeal one of the basic environmental laws, the Clean Water Act.** The bill virtually ends the federal backstop on what is now a state dominated clean water program; creating a perfect system for a new race to the bottom. The authors, John Mica of Florida and Nick Rahall of West Virginia are upset with particular rules that EPA promulgated or rulings made under the present Act that they don't like – rules that protect Florida's waters from excess runoff pollution or restrictions on coal companies that want to blow up mountains to find some coal without having to hire miners to look underground.

As we head to the beach for the holidays, looking over the ocean, river or lakes, fishing or just drinking water or eating catfish or salmon, don't forget your Congress will be voting to jeopardize our water resources to help some polluters make an extra buck. Neither party should be part of this travesty.

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 07/01/2011 10:05 AM -----

From: "Slesinger, Scott" <sslesinger@nrdc.org>  
To: Arvin Ganesan/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, "Goo, Michael" <Michael.Goo@mail.house.gov>, "Amy Salzman" <(b) (6)> "Alyssandra Campaigne" <alys@engagestrategies.com>  
Cc: "Repko, Mary Frances" <Mary.Frances.Repko@mail.house.gov>, <robert.edmonson@mail.house.gov>, <jason\_albritton@epw.senate.gov>, "Burke, Mike (Cardin)" <Mike\_Burke@cardin.senate.gov>  
Date: 06/30/2011 10:34 PM  
Subject: my blog on H.R. 2018 Mica-Rahall

---

[http://switchboard.nrdc.org/blogs/sslesinger/plans\\_to\\_repeal\\_the\\_clean\\_wate.html](http://switchboard.nrdc.org/blogs/sslesinger/plans_to_repeal_the_clean_wate.html)

Thought you may find useful. My blog also links to other NRDC blogs on this issue.

Scott Slesinger  
*Legislative Director*  
Natural Resources Defense Council  
The new address is:  
**1152 15th Street, NW**  
**Suite 300**  
**Washington, DC 20005**  
202-289-2402 (o)  
202-486-5639 (c)  
[sslesinger@nrdc.org](mailto:sslesinger@nrdc.org)  
[www.nrdc.org](http://www.nrdc.org)





unbelievably was rushed through with no hearings apparently because the two sponsors, the Committee Chair, John Mica and the Ranking Democrat, Nick Rahall, were too embarrassed to put light on their radical proposal. Several of my colleagues have already blogged on the bill [here](#) and [here](#) and [here](#). It is likely, without a record, many of the members, particularly the 90+ new members, who take clean water as a given don't appreciate the critical federal role.

In 1994, I worked for this House Committee and many members wanted major changes in the Act. After a series of hearings, the members realized that the risk of change to satisfy a few special interests were just too controversial and dangerous. Hearings, if done to educate, can be useful tools. Ignoring the normal procedure to fast track special interest legislation, is almost always a mistake.

There have been multiple attacks on environment during this Congress; polluters have lobbied Congress to undo virtually every regulation that the basic environmental laws requires. These companies, or trade association try to develop a short-term advantage over their competitors who have invested in controlling pollution. Apparently lobbyists are cheaper than controlling pollution while the health of every American but particularly those who are old, young or have compromised immune systems are put at risk.

**But H.R. 2018 is the first serious attempt to essentially repeal one of the basic environmental laws, the Clean Water Act.** The bill virtually ends the federal backstop on what is now a state dominated clean water program; creating a perfect system for a new race to the bottom. The authors, John Mica of Florida and Nick Rahall of West Virginia are upset with particular rules that EPA promulgated or rulings made under the present Act that they don't like – rules that protect Florida's waters from excess runoff pollution or restrictions on coal companies that want to blow up mountains to find some coal without having to hire miners to look underground.

As we head to the beach for the holidays, looking over the ocean, river or lakes, fishing or just drinking water or eating catfish or salmon, don't forget your Congress will be voting to jeopardize our water resources to help some polluters make an extra buck. Neither party should be part of this travesty.

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 07/01/2011 10:05 AM -----

From: "Slesinger, Scott" <sslesinger@nrdc.org>  
 To: Arvin Ganesan/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, "Goo, Michael" <Michael.Goo@mail.house.gov>, "Amy Salzman" <(b) (6)> "Alyssandra Campaigne" <alys@engagestrategies.com>  
 Cc: "Repko, Mary Frances" <Mary.Frances.Repko@mail.house.gov>, <robert.edmonson@mail.house.gov>, <jason\_albritton@epw.senate.gov>, "Burke, Mike (Cardin)" <Mike\_Burke@cardin.senate.gov>  
 Date: 06/30/2011 10:34 PM  
 Subject: my blog on H.R. 2018 Mica-Rahall

[http://switchboard.nrdc.org/blogs/sslesinger/plans\\_to\\_repeal\\_the\\_clean\\_wate.html](http://switchboard.nrdc.org/blogs/sslesinger/plans_to_repeal_the_clean_wate.html)

Thought you may find useful. My blog also links to other NRDC blogs on this issue.

Scott Slesinger  
*Legislative Director*  
 Natural Resources Defense Council  
 The new address is:

**1152 15th Street, NW**  
**Suite 300**  
**Washington, DC 20005**  
202-289-2402 (o)  
202-486-5639 (c)  
[sslesinger@nrdc.org](mailto:sslesinger@nrdc.org)  
[www.nrdc.org](http://www.nrdc.org)

01268-EPA-5704

Bob Sussman/DC/USEPA/US

To Richard Windsor, Scott Fulton

07/08/2011 11:11 AM

cc

bcc

Subject Fw: Materials for EOP Discussions on MTM Guidance

I sent the enclosed to OMB to keep the ball rolling despite the rescheduling of today's meeting. We may want to reference these materials in the Administrator's note.

Ex.5 - Deliberative

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
(202)-564-7397  
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 07/08/2011 11:08 AM -----

From: Bob Sussman/DC/USEPA/US  
To: "Fitzpatrick, Michael A." <(b) (6)>  
Cc: "Laity, James A." <(b) (6)>, Gregory Peck/DC/USEPA/US@EPA, Matthew Klasen/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Karyn Wendelowski/DC/USEPA/US@EPA, "Jensen, Jay" <(b) (6)>, Avi Garbow/DC/USEPA/US@EPA, russell.young@usdoj.gov <'russell.young@usdoj.gov'>, "Simms, Patrice \ (ENRD)\ " <Patrice.Simms@usdoj.gov>  
Date: 07/08/2011 11:07 AM  
Subject: Materials for EOP Discussions on MTM Guidance

Michael -- Although we were unable to meet today, I'm looking forward to meeting early next week to continue our discussions of the revised EPA mountaintop mining guidance. In advance of our meeting, I'm enclosing the following:

Ex.5 - Deliberative

[Redacted]

[Redacted]

[Redacted]

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
(202)-564-7397  
US Environmental Protection Agency

 Ex.5 - Deliberative 

2011-07-08 MTM Guidance, Not Rule.docx 2011-07-08 Draft one-pager for OMB.docx

 Ex.5 - Deliberative

MTM Guidance DOJ and OGC edits 7-7-11.docx

01268-EPA-5705

Lisa Garcia/DC/USEPA/US

To Richard Windsor

07/08/2011 07:18 PM

cc

bcc

Subject Fw: Environmental Justice MOU signature request

Ex.5 - Deliberative

we have time set up next week..  
have a good weekend.

Lisa G

----- Forwarded by Lisa Garcia/DC/USEPA/US on 07/08/2011 07:14 PM -----

From: Eric Wachter/DC/USEPA/US  
 To: DOExecSec@doc.gov, Imurphy@doc.gov <Imurphy@doc.gov>, USDAExecSec@usda.gov, "Liska, Sally" <Sally.Liska@osec.usda.gov>, dodexecsec@sd.mil, belinda.purifoy@sd.mil, EDU <EExecSec@ed.gov>, teresa.garland@ed.gov, Erica.DeVos@hq.doe.gov <Erica.DeVos@hq.doe.gov>, doeexecsec@hq.doe.gov, HHS <hhsexecsec@hhs.gov>, dawn.smalls@hhs.gov, DHS <dhsexecsec@dhs.gov>, "Allen-Gifford, Patrice" <Patrice.Allen-Gifford@dhs.gov>, hudexecsec@hud.gov, Dolores.W.Cole@hud.gov <Dolores.W.Cole@hud.gov>, DOIExecSec@ios.doi.gov, Fay\_iudicello@ios.doi.gov, DOJ <dojexecsec@usdoj.gov>, dana.e.paige@usdoj.gov <dana.e.paige@usdoj.gov>, DOL <executivesecretariat@dol.gov>, Barrett.Gloria@dol.gov, finneycn@state.gov, DOTExecSec@dot.gov, vaexecsec@va.gov, gemma.button@va.gov, eleni.martin@gsa.gov <eleni.martin@gsa.gov>, noaaexecsec@noaa.gov, kelly.quickle@noaa.gov, nrcexecsec@nrc.gov <nrcexecsec@nrc.gov>, annette.vietti-cook@nrc.gov, sbaexecsec@sba.gov, kim.bradley@sba.gov, fercexecsec@ferc.gov  
 Cc: Lisa Garcia/DC/USEPA/US@EPA, Carlos Evans/DC/USEPA/US@EPA, "Buffa, Nicole" <(b) (6)>, "Morales, Toni" <(b) (6)>  
 Date: 07/08/2011 03:25 PM  
 Subject: Environmental Justice MOU signature request

Dear Executive Secretariat Colleagues,

U.S. Environmental Protection Agency Administrator Lisa P. Jackson requests the signature of your secretary or administrator on the attached Memorandum of Understanding on Environmental Justice and Executive Order 12898. For several months, the EPA and CEQ have worked closely with your departments and agencies to develop the attached MOU. The deputy secretaries, deputy administrators and staff met on June 3 and confirmed their support for the MOU.

I've attached a list of the staff-level contacts from each agency in case you need to speak to people on your end about this MOU. Programmatic questions about the MOU also can be directed to Lisa Garcia at [garcia.lisa@epa.gov](mailto:garcia.lisa@epa.gov) or (202) 564-1259. I am happy to answer any questions about the signature process.

I have also attached a list of the departments and agencies that are being asked to sign the MOU.

Because of the many signatures needed, we have proposed some different signing options. We would like to have this signed by July 27.

Hand signed or Autopen

· Email me dates when your secretary or administrator will be available to sign or when you'll be

available to sign the original MOU with the autopen and the \_\_\_\_\_ contact information of the person will be coordinating the signature process on your end.

- We'll coordinate with that person and with the other agencies who also will be signing the MOU this way.
- Please note that all of the electronic signatures will need to be affixed before the hand-signed or autopen signatures can be made so the hand-signed or auto-penned signatures will be made later in this process.

#### Electronic Signature

- Create an electronic signature and save it as a JPEG file. Make sure the signature has a white background.
- Email me the JPEG file as an attachment with the name, title and agency of the signatory.
- In your email, please indicate that this signature is to be used for the Environmental Justice MOU and for no other purpose and should be destroyed upon the signing of the MOU.
- The EPA will affix the signature on the signature page of the MOU and date stamp it for July 29.

#### Blank-page signature

- Sign a blank page, email me the signed page as a PDF or JPEG and include the name, title and agency of the signatory.
- In your email, please indicate that this signature is to be used for the Environmental Justice MOU and for no other purpose and should be destroyed upon the signing of the MOU.
- The EPA will affix the signature on the signature page of the MOU and date stamp it for July 29.

Thanks in advance for your help. Feel free to call or email with any questions.

Eric E. Wachter  
Director, Office of the Executive Secretariat  
U.S. Environmental Protection Agency  
(202) 564-7960 office  
(202) 596-0246 blackberry  
(202) 501-1328 fax



EJIWG.MOU.doc EJIWG\_Contacts\_7\_8\_2011.docx

MEMORANDUM OF UNDERSTANDING ON  
ENVIRONMENTAL JUSTICE AND EXECUTIVE ORDER 12898

**WHEREAS**, on February 11, 1994, the President signed Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" ("Executive Order 12898" or "Order"), and issued an accompanying Presidential Memorandum (references to this Order herein also generally include this Memorandum), and

**WHEREAS**, Executive Order 12898 applies to the following agencies: the Department of Agriculture, Department of Commerce, Department of Defense, Department of Energy, Department of Health and Human Services, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of Labor, Department of Transportation, and the Environmental Protection Agency. The Order applies to the following offices in the Executive Office of the President: Office of Management and Budget, Office of Science and Technology Policy, Office of the Deputy Assistant to the President for Environmental Policy, Office of the Assistant to the President for Domestic Policy, National Economic Council, and Council of Economic Advisers. The Order also applies to other agencies and offices as the President may designate, Executive Order 12898, sec. 1-102, 6-604 (Feb. 11, 1994). The agencies and offices that are listed in section 1-102 or designated by the President under section 6-604 of the Order are referred to herein as "covered agencies" and "covered offices," respectively, and

**WHEREAS**, Executive Order 12898 requires each covered agency to "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations," *id.*, sec. 1-101, and

**WHEREAS**, each responsibility of a covered agency under Executive Order 12898 "shall apply equally to Native American programs," *id.*, sec. 6-606, and

**WHEREAS**, Executive Order 12898 establishes an Interagency Working Group on Environmental Justice ("Interagency Working Group") consisting of the heads of the agencies and offices listed above and any other officials designated by the President, or their designees, *id.*, sec. 1-102(a), and

**WHEREAS**, Executive Order 12898 directs the Interagency Working Group to assist the covered agencies by providing guidance and serving as a clearinghouse, *id.*, sec. 1-102(b), and

**WHEREAS**, Executive Order 12898, as amended, required that the then-covered agencies submit to the Interagency Working Group by March 24, 1995 an agencywide environmental justice strategy to carry out the Order, *id.*, sec. 1-103(e), as amended by Executive Order 12948 (Jan. 30, 1995), and

**WHEREAS**, Executive Order 12898 further required, within two years of issuance, that the then-covered agencies provide to the Interagency Working Group a progress report on implementation of the agency's environmental justice strategy, Executive Order 12898, sec. 1-103(f), and

**WHEREAS**, Executive Order 12898 requires that covered agencies conduct internal reviews and take such other steps as may be necessary to monitor compliance with the Executive Order, *id.*, sec. 6-601, and provide additional periodic reports to the Interagency Working Group as requested by the Group, *id.*, sec. 1-103(g), and

**WHEREAS**, Executive Order 12898 provides that a member of the public may submit comments and recommendations to a covered agency relating to the incorporation of environmental justice principles into the agency's programs or policies and provides that the agency must convey such recommendations to the Interagency Working Group, *id.*, sec. 5-5(a), and

**WHEREAS**, the covered agencies and the Interagency Working Group remain committed to full ongoing compliance with Executive Order 12898, and

**WHEREAS**, Executive Order 12898 does not preclude other agencies from agreeing to carry out the Order and to participate in the activities of the Interagency Working Group as appropriate, and as consistent with their respective statutory authorities and the Order;

**NOW THEREFORE**, the undersigned agencies (referred to herein as "Federal agencies") hereby agree:

### **I. Purposes**

- A. To declare the continued importance of identifying and addressing environmental justice considerations in agency programs, policies, and activities as provided in Executive Order 12898, including as to agencies not already covered by the Order.
- B. To renew the process under Executive Order 12898 for agencies to provide environmental justice strategies and implementation progress reports.
- C. To establish structures and procedures to ensure that the Interagency Working Group operates effectively and efficiently.

- D. To identify particular areas of focus to be included in agency environmental justice efforts.

## **II. Authorities**

This Memorandum of Understanding on Environmental Justice and Executive Order 12898 (“Memorandum of Understanding” or “MOU”) is in furtherance of the Order including the authorities cited therein. Federal agencies shall implement this Memorandum of Understanding in compliance with, and to the extent permitted by, applicable law.

## **III. Actions and Responsibilities**

- A. Adoption of Charter.** This Memorandum of Understanding adopts the Charter for Interagency Working Group on Environmental Justice (“Charter”) set forth in Attachment A. Each Federal agency agrees to the framework, procedures, and responsibilities identified in the Charter and agrees to provide the Interagency Working Group with the agency’s designated Senior Leadership Representative and Senior Staff Representative by September 30, 2011.
- B. Participation of Other Federal Agencies.** While Executive Order 12898 applies to covered agencies, the Order does not preclude other agencies from agreeing to undertake the commitments in the Order. Likewise, while the Executive Order identifies the composition of the Interagency Working Group, other agencies may, to the extent consistent with the Order, participate in activities of the Interagency Working Group as appropriate. An agency that is either not a covered agency or not represented on the Interagency Working Group, or both, may become a “Participating Agency” by signing this Memorandum of Understanding. To the extent it is not already a covered agency, a Participating Agency agrees to carry out this Memorandum of Understanding as well as Executive Order 12898, and to the extent it is not already represented on the Interagency Working Group, a Participating Agency agrees to participate in activities of the Interagency Working Group as appropriate. The term “Federal agency” herein refers to covered agencies that sign this MOU and to Participating Agencies that sign this MOU.
- C. Federal Agency Environmental Justice Strategies; Public Input; Annual Reporting.**
  - a. Environmental Justice Strategy.** By September 30, 2011, after reviewing and updating an existing environmental justice strategy where applicable and as the agency deems appropriate, each Federal agency will post its current “Environmental Justice Strategy” on its public webpage and provide the Interagency Working Group with a link to the webpage. If the agency posts and provides a draft Environmental Justice Strategy, then it will post and provide its

final Environmental Justice Strategy by February 11, 2012. Thereafter, each Federal agency will periodically review and update its Environmental Justice Strategy as it deems appropriate and will keep its current Environmental Justice Strategy posted with a link provided to the Interagency Working Group.

- b. **Public Input.** Consistent with Executive Order 12898, section 5-5, each Federal agency will ensure that meaningful opportunities exist for the public to submit comments and recommendations relating to the agency's Environmental Justice Strategy, Annual Implementation Progress Reports, and ongoing efforts to incorporate environmental justice principles into its programs, policies and activities.
  - c. **Annual Implementation Progress Report.** By the February 11 anniversary of Executive Order 12898 each year, beginning in 2012, each Federal agency will provide a concise report on progress during the previous fiscal year in carrying out the agency's Environmental Justice Strategy and Executive Order 12898. This "Annual Implementation Progress Report" will include performance measures as deemed appropriate by the agency. The report will describe participation in interagency collaboration. It will include responses to recommendations submitted by members of the public to the agency concerning the agency's Environmental Justice Strategy and its implementation of the Executive Order. It will include any updates or revisions to the agency's Environmental Justice Strategy, including those resulting from public comment. The agency will post its Annual Implementation Progress Report on its public webpage and provide the Interagency Working Group with a link to the webpage.
- D. Areas of Focus.** In its Environmental Justice Strategy, Annual Implementation Progress Reports and other efforts, each Federal agency will identify and address, as appropriate, any disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations, including but not limited to, as appropriate for its mission, in the following areas: (1) implementation of the National Environmental Policy Act; (2) implementation of Title VI of the Civil Rights Act of 1964, as amended; (3) impacts from climate change; and (4) impacts from commercial transportation and supporting infrastructure ("goods movement"). These efforts will include interagency collaboration. At least every three (3) years, the Interagency Working Group will, based in part on public recommendations identified in Annual Implementation Progress Reports, identify important areas for Federal agencies to consider and address, as appropriate, in environmental justice strategies, annual implementation progress reports and other efforts.

#### **IV. Miscellaneous**

- A. Parties, Effective Date, Amendment.** This MOU becomes effective for a Federal agency when it signs the MOU. An agency may sign the MOU at any time. The MOU may be amended by written agreement of the then-current signatory Federal agencies.
- B. Applicable Law.** Nothing in this MOU shall be construed to impair or otherwise affect authority granted by law to, or responsibility imposed by law upon, an agency, or the head thereof, or the status of that agency within the Federal Government. This MOU shall be implemented consistent with applicable law and subject to the availability of appropriations.
- C. Fiscal.** This MOU is not a fiscal or financial obligation. It does not obligate a Federal agency to expend, exchange or reimburse funds, services or supplies, or to transfer or receive anything of financial or other value.
- D. Internal Management.** This MOU and activities under it relate only to internal procedures and management of the Federal agencies and the Interagency Working Group. They do not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its agencies or other entities, its officers, employees or agents, or any other person.

#### **V. Signatures**

- A. Covered Agencies.**
- B. Participating Agencies and Offices.**

## ATTACHMENT A

CHARTER FOR  
INTERAGENCY WORKING GROUP ON ENVIRONMENTAL JUSTICE

On February 11, 1994, the President signed Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" ("Executive Order 12898" or "Order"), and issued an accompanying Presidential Memorandum. The Order requires each agency that is covered by the Order to "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." Executive Order 12898, sec. 1-101 (Feb. 11, 1994); *see also id.*, sec. 1-102 and 6-604. The Order establishes an Interagency Working Group on Environmental Justice ("Interagency Working Group") comprised of the heads of the agencies and offices that are listed in section 1-102 of the Order, and any other government officials designated by the President, or their designees. *Id.*, sec. 1-102. References to the Order herein also generally include the accompanying Presidential Memorandum.

The Memorandum of Understanding on Environmental Justice and Executive Order 12898 issued in 2011 ("MOU") adopted this Charter for Interagency Working Group on Environmental Justice ("Charter").

#### 1. Covered Agencies and Covered Offices in Executive Order 12898

Executive Order 12898 provides that the Interagency Working Group includes the heads of the following agencies or their designees: the Department of Agriculture, Department of Commerce, Department of Defense, Department of Energy, Department of Health and Human Services, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of Labor, Department of Transportation, and the Environmental Protection Agency. The Interagency Working Group includes the heads of the following offices in the Executive Office of the President or their designees: Office of Management and Budget, Office of Science and Technology Policy; Office of the Deputy Assistant to the President for Environmental Policy, Office of the Assistant to the President for Domestic Policy, National Economic Council, and Council of Economic Advisers. The Interagency Working Group also includes such other Government officials as the President may designate or their designees. *Id.*, sec. 1-102 (Feb. 11, 1994).

The requirements of Executive Order 12898 apply to the above-listed agencies as well as to any other agency designated by the President. *Id.*, sec. 6-604. All such agencies are referred to herein as “covered agencies.” The above-listed offices are referred to herein as “covered offices.”

## 2. Chair

The Administrator of the U.S. Environmental Protection Agency or designee will serve as convener of the Interagency Working Group (“IWG Chair”) pursuant to section 1-102(a) of the Executive Order.

## 3. Participating Agencies and Participating Offices

An agency that is not a covered agency can become a “Participating Agency” by signing the MOU and notifying the IWG Chair. The term “Federal agencies” herein refers to covered agencies that sign the MOU and to Participating Agencies that sign the MOU. An office in the Executive Office of the President that is not a covered office can become a “Participating Office” by notifying the IWG Chair. To the extent they are not otherwise represented on the Interagency Working Group, Participating Agencies and Participating Offices participate in the activities of the Interagency Working Group as appropriate and as consistent with Executive Order 12898. To the extent they were not already covered agencies before signing the MOU, Participating Agencies agreed in the MOU to carry out the requirements of Executive Order 12898, to the extent consistent with their statutory authorities, as if they were covered agencies.

## 4. Council on Environmental Quality

The Council on Environmental Quality is an office in the Executive Office of the President that has notified the IWG Chair of its role as a Participating Office.

## 5. Agency Representatives

Each Federal agency whose head is listed in section 1-102 as on the Interagency Working Group and each agency represented on the Interagency Working Group by an official designated by the President under section 1-102 will designate a Senior Leadership Representative and Senior Staff Representative to serve as its representatives to the Interagency Working Group in the absence of the agency head or official or other designee of the agency head or official. Each Participating Agency that is not already represented on the Interagency Working Group will also designate a Senior Leadership Representative and Senior Staff Representative to participate in activities of the Interagency Working Group as appropriate and consistent with Executive Order 12898. The Senior Leadership Representative will be a senior level management official at the Deputy Assistant Secretary level or higher, or equivalent. Each Federal agency will provide the names of

these designated Representatives to the IWG Chair and subsequently notify the IWG Chair as changes occur. The role of the Senior Leadership Representative will include conveying input from the agency's head leadership to the Interagency Working Group.

#### 6. Meeting

The Interagency Working Group will meet monthly or as otherwise convened by the IWG Chair. The meetings will generally be held at the offices of the Federal agencies.

#### 7. Public Meetings

The Interagency Working Group will hold a public meeting at least once a year consistent with section 5-5(d) of the Executive Order.

#### 8. Environmental Justice Strategies, Annual Implementation Progress Reports, and Other Material

The IWG Chair will receive Environmental Justice Strategies and Annual Implementation Progress Reports from Federal agencies, and provide public access to them through a public webpage and other means. The IWG Chair will similarly provide public access to the current list of Federal agencies, covered offices, and Participating Offices under the MOU, as well as to other information relevant to the Interagency Working Group.

#### 9. Interagency Collaboration

The Interagency Working Group will serve as a clearinghouse to help identify opportunities for targeted interagency collaboration on environmental justice, and will help facilitate interagency coordination including for research, data collection, and analysis consistent with sections 3-3 and 4-4 of the Executive Order, and for access to information consistent with section 5-5 of the Order. The interagency coordination should include regional and branch offices of Federal agencies. The Interagency Working Group will facilitate development of interagency model projects consistent with section 1-1 of the Order.

#### 10. Committees

The Interagency Working Group will create standing and select committees to help carry out its responsibilities under the Executive Order. The members of the committees will consist of Senior Leadership Representatives, Senior Staff Representatives, and other persons put forth by an agency. The Interagency Working Group will create, revise, or terminate Select Committees as appropriate. The Interagency Working Group will maintain permanent Standing Committees including:

a. Public Participation Committee

This committee will develop listening sessions and other similar opportunities for the Interagency Working Group, federally-recognized tribes, and other members of the public. It will propose venues and agendas, and facilitate participation by Federal agencies and members of the public. The committee will also help coordinate responses to public input.

b. Strategy and Implementation Progress Report Committee

This committee will be available as a resource for a Federal agency as it reviews, updates, or develops its environmental justice strategy, and as it develops its annual implementation progress reports. It will work with agencies to help coordinate programs, policies, and activities.

c. Title VI Committee

Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d - 2000d-4a, prohibits recipients of Federal financial assistance from discriminating on the basis of race, color, or national origin in programs or activities that receive federal assistance. This committee will be a resource available to help agencies connect their civil rights enforcement responsibilities with their other efforts to achieve environmental justice.

11. Areas of Focus

Consistent with the MOU, at least every three (3) years, the Interagency Working Group will, based in part on public recommendations identified in annual implementation progress reports, identify important areas for Federal agencies to consider and address, as appropriate, in environmental justice strategies, annual implementation progress reports, and other efforts.

12. Amendment

The Interagency Working Group may amend this Charter in a manner not inconsistent with Executive Order 12898 and the MOU.

**EJ Interagency Workgroup Contacts**

<b>Name</b>	<b>Agency</b>
Alma Hobbs	Agriculture
James Gore	Agriculture
Joseph.Barbiero	Agriculture
Velma Charles-Shannon	Agriculture
Rock Salt	Army Corps
C Grant	Commerce
D Ives	Commerce
G Walker	Commerce
Jeffrey Roberson	Commerce
David Sanborn	Defense
Robert Furlong	Defense
Andre Lewis	Education
Kevin Jennings	Education
Sharon Burton	Education
Diefre Wilkinson	Energy
Melinda Downing	Energy
Regina Cano	Energy
Saba.Abebe	Energy
Toni Carter	Energy
Mae Davis	Federal Energy Regulatory Commission
Kevin Kampschroer	General Services Administration
Nadine Gracia	Health and Human Services
Ron Milam	Health and Human Services
Sandra Howard	Health and Human Services
Alice Hill	Homeland Security
Avital Wenger	Homeland Security
Scott Shuchart	Homeland Security
Teresa Pohlman	Homeland Security
William Bresnick	Homeland Security
Dwayne.S.Marsh	Housing and Urban Development
Rachel J Thornton	Housing and Urban Development
Sunaree Marshall	Housing and Urban Development
Doug Gentile	Interior
Loretta Sutton	Interior
Rhea Suh	Interior
Sarah Peterson	Interior
Shauna McCarty	Interior
Willie Taylor	Interior
Amber Blaha	Justice
Cynthia.Ferguson	Justice

Daria Neal	Justice
Ignacia Moreno	Justice
James Payne	Justice
Jeffrey Prieto	Justice
Karen Dworkin	Justice
Lori Wagner	Justice
Matthew Colangelo	Justice
P Palugod	Justice
Patrice Simms	Justice
Quentin Pair	Justice
Babette Williams	Labor
Christie Cunningham	Labor
Jonathan Njus	Labor
Megan Uzzell	Labor
Samuel Cornale	Labor
Andrew Pessin	Nuclear Regulatory Commission
Paula.Bridgham	Office of Personnel Management
Andrea Mueller	Small Business Administration
C L Dawson	State
J Benesk	State
S M Seymour	State
Beth Osborne	Transportation
Brenda Kragh	Transportation
Camille Mittelholtz	Transportation
Cheryl Hershey	Transportation
Elizabeth	Transportation
Maryann Naber	Transportation
Rebecca Seale	Transportation
Sharlene Reed	Transportation
Catherine Johnson	Veterans Affairs
Cynthis Cordova	Veterans Affairs
Lindsay Randall	White House – CEQ
Mary Hassell	White House – CEQ
Nicole Buffa	White House – CEQ
Toni Morales	White House – CEQ
Sarah Fenn	White House – DPC
Edward Dolan	White House – NSC
Carol Dennis	White House – OMB
Janet Irwin	White House – OMB
Gregory Nelson	White House – OPE
R Curtis	White House – OSTP
Sarah Johnson	White House – OSTP
Lauren Dunn	White House – Urban Affairs

01268-EPA-5706

Bob Sussman/DC/USEPA/US  
07/13/2011 09:31 PM

To Richard Windsor, Bob Perciasepe, Seth Oster, Michael Goo,  
Diane Thompson, Arvin Ganesan  
cc  
bcc

Subject Fw: Revised Appalachian Surface Mining Guidance

FYI.

----- Forwarded by Bob Sussman/DC/USEPA/US on 07/13/2011 09:29 PM -----

From: Bob Sussman/DC/USEPA/US  
To: "Sunstein, Cass R." <(b) (6)> "Fitzpatrick, Michael A." <(b) (6)>  
"Guzy, Gary S." <(b) (6)>  
"Jensen, Jay" <(b) (6)> "Boots, Michael J." <(b) (6)>  
Cc: Nancy Stoner/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA, "Simms, Patrice \ (ENRD)" <Patrice.Simms@usdoj.gov>  
Date: 07/13/2011 09:23 PM  
Subject: Revised Appalachian Surface Mining Guidance

Ex.5 - Deliberative  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
(202)-564-7397  
US Environmental Protection Agency

Ex.5 - Deliberative

Revised Table.docx MTM Guidance July 13 2011.docx

01268-EPA-5707

Bob Sussman/DC/USEPA/US  
07/14/2011 09:18 AM

To "Seth Oster", "Betsaida Alcantara"  
cc "Richard Windsor"  
bcc

Subject Fw: Revised Appalachian Surface Mining Guidance

(b) (5) [Redacted]

Bob Sussman

----- Original Message -----

**From:** Bob Sussman

**Sent:** 07/13/2011 09:23 PM EDT

**To:** "Sunstein, Cass R." <(b) (6)> "Fitzpatrick, Michael A." <(b) (6)> "Guzy, Gary S." <(b) (6)> "Jensen, Jay" <(b) (6)> "Boots, Michael J." <(b) (6)>

**Cc:** Nancy Stoner; Scott Fulton; Avi Garbow; "Simms, Patrice \ (ENRD\)" <Patrice.Simms@usdoj.gov>

**Subject:** Revised Appalachian Surface Mining Guidance

Ex.5 - Deliberative

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Robert M. Sussman  
Senior Policy Counsel to the Administrator  
Office of the Administrator  
(202)-564-7397  
US Environmental Protection Agency

Ex.5 - Deliberative

Revised Table.docx MTM Guidance July 13 2011.docx

01268-EPA-5708

"Sunstein, Cass R."

<[REDACTED] (b) (6)>

.gov>

07/19/2011 07:45 PM

To Richard Windsor

cc

bcc

Subject done!

In real time; thanks thanks thanks (thanks) for each and all:

Greg: OIRA is concluding review on EPA's final Guidance on Improving EPA Review of Appalachian Surface Coal Mining Operations Under the Clean Water Act, National Environmental Policy Act, and the Environmental Justice Executive Order with a finding of consistent with change. Thanks for all your hard work in reviewing and addressing interagency comments. We really appreciate your responsiveness. It is always a pleasure working with you.

Jim Laity  
OIRA Desk Officer for CWA

01268-EPA-5709

**Richard Windsor/DC/USEPA/US**  
07/19/2011 07:51 PM

To "Cass Sunstein"  
cc  
bcc  
Subject Re: done!

Back at you. Thanks Cass.

---

**From:** "Sunstein, Cass R." [REDACTED] (b) (6)  
**Sent:** 07/19/2011 07:45 PM AST  
**To:** Richard Windsor  
**Subject:** done!

In real time; thanks thanks thanks (thanks) for each and all:

Greg: OIRA is concluding review on EPA's final Guidance on Improving EPA Review of Appalachian Surface Coal Mining Operations Under the Clean Water Act, National Environmental Policy Act, and the Environmental Justice Executive Order with a finding of consistent with change. Thanks for all your hard work in reviewing and addressing interagency comments. We really appreciate your responsiveness. It is always a pleasure working with you.

Jim Laity  
OIRA Desk Officer for CWA

01268-EPA-5710

**Richard Windsor/DC/USEPA/US**  
07/19/2011 07:52 PM

To "Bob Sussman"  
cc  
bcc  
Subject Fw: done!

Well done! Thank you!

---

**From:** Richard Windsor  
**Sent:** 07/19/2011 07:51 PM EDT  
**To:** "Cass Sunstein" <[REDACTED] (b) (6)>  
**Subject:** Re: done!

Back at you. Thanks Cass.

---

**From:** "Sunstein, Cass R." [REDACTED] (b) (6)  
**Sent:** 07/19/2011 07:45 PM AST  
**To:** Richard Windsor  
**Subject:** done!

In real time; thanks thanks thanks (thanks) for each and all:

Greg: OIRA is concluding review on EPA's final Guidance on Improving EPA Review of Appalachian Surface Coal Mining Operations Under the Clean Water Act, National Environmental Policy Act, and the Environmental Justice Executive Order with a finding of consistent with change. Thanks for all your hard work in reviewing and addressing interagency comments. We really appreciate your responsiveness. It is always a pleasure working with you.

Jim Laity  
OIRA Desk Officer for CWA

01268-EPA-5711

**Bob Sussman/DC/USEPA/US** To Richard Windsor  
07/19/2011 08:48 PM cc  
bcc  
Subject Re: done!

(b) (6)

---

**From:** Richard Windsor  
**Sent:** 07/19/2011 07:52 PM EDT  
**To:** "Bob Sussman" <Sussman.bob@epa.gov>  
**Subject:** Fw: done!

Well done! Thank you!

---

**From:** Richard Windsor  
**Sent:** 07/19/2011 07:51 PM EDT  
**To:** "Cass Sunstein" <(b) (6)>  
**Subject:** Re: done!

Back at you. Thanks Cass.

---

**From:** "Sunstein, Cass R." [(b) (6)]  
**Sent:** 07/19/2011 07:45 PM AST  
**To:** Richard Windsor  
**Subject:** done!

In real time; thanks thanks thanks (thanks) for each and all:

Greg: OIRA is concluding review on EPA's final Guidance on Improving EPA Review of Appalachian Surface Coal Mining Operations Under the Clean Water Act, National Environmental Policy Act, and the Environmental Justice Executive Order with a finding of consistent with change. Thanks for all your hard work in reviewing and addressing interagency comments. We really appreciate your responsiveness. It is always a pleasure working with you.

Jim Laity  
OIRA Desk Officer for CWA

01268-EPA-5712

**Richard Windsor/DC/USEPA/US**  
07/19/2011 11:28 PM

To Bob Sussman  
cc  
bcc  
Subject Re: done!

(b) (6)

---

**From:** Bob Sussman  
**Sent:** 07/19/2011 08:48 PM EDT  
**To:** Richard Windsor  
**Subject:** Re: done!

(b) (6)

---

**From:** Richard Windsor  
**Sent:** 07/19/2011 07:52 PM EDT  
**To:** "Bob Sussman" <Sussman.bob@epa.gov>  
**Subject:** Fw: done!

Well done! Thank you!

---

**From:** Richard Windsor  
**Sent:** 07/19/2011 07:51 PM EDT  
**To:** "Cass Sunstein" <(b) (6)>  
**Subject:** Re: done!

Back at you. Thanks Cass.

---

**From:** "Sunstein, Cass R." <(b) (6)>  
**Sent:** 07/19/2011 07:45 PM AST  
**To:** Richard Windsor  
**Subject:** done!

In real time; thanks thanks thanks (thanks) for each and all:

Greg: OIRA is concluding review on EPA's final Guidance on Improving EPA Review of Appalachian Surface Coal Mining Operations Under the Clean Water Act, National Environmental Policy Act, and the Environmental Justice Executive Order with a finding of consistent with change. Thanks for all your hard work in reviewing and addressing interagency comments. We really appreciate your responsiveness. It is always a pleasure working with you.

Jim Laity  
OIRA Desk Officer for CWA

01268-EPA-5713

**Barbara  
Bennett/DC/USEPA/US**  
07/21/2011 04:09 PM

To Richard Windsor, Bob Perciasepe  
cc Diane Thompson, Seth Oster, Arvin Ganesan  
bcc

Subject Fw: OFFICIAL RELEASE: Statement of Administration Policy on H.R. 2584 - Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012

OMB just came out with a SAP re: the House Approps Bill (HR 2584). **Ex.5 - Deliberative**

Barbara J. Bennett  
Chief Financial Officer  
U.S. EPA  
202-564-1151

----- Forwarded by Barbara Bennett/DC/USEPA/US on 07/21/2011 04:05 PM -----

From: "Hickey, Mike" <(b) (6)>  
To: Arvin Ganesan/DC/USEPA/US@EPA, Barbara Bennett/DC/USEPA/US@EPA, David Bloom/DC/USEPA/US@EPA, Ed Walsh/DC/USEPA/US@EPA  
Date: 07/21/2011 03:41 PM  
Subject: FW: OFFICIAL RELEASE: Statement of Administration Policy on H.R. 2584 - Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012

FYI -- Here is the SAP. Key point is that it includes the veto threat.

**EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503**

July 21, 2011  
(House Rules)

**STATEMENT OF ADMINISTRATION POLICY**  
**H.R. 2584 — Department of the Interior, Environment, and Related Agencies**  
**Appropriations Act, 2012**  
(Rep. Rogers, R-KY)

The Administration strongly opposes House passage of H.R. 2584, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2012. The Administration is committed to ensuring the Nation lives within its means and reducing the deficit so that the Nation can compete in the global economy and win the future. That is why the President put forth a comprehensive fiscal framework that reduces the deficit by \$4 trillion, supports economic growth and long-term job creation, protects critical investments, meets the commitments made to provide dignity and security to Americans no matter their circumstances, and provides for our national security.

The Administration strongly opposes a number of provisions in this bill, including ideological

and political provisions that are beyond the scope of funding legislation. If the President is presented with a bill that undermines ongoing conservation, public health, and environmental protection efforts through funding limits or restrictions, his senior advisors would recommend he veto the bill.

While overall funding limits and subsequent allocations remain unclear pending the outcome of ongoing bipartisan, bicameral discussions between the Administration and congressional leadership on the Nation's long-term fiscal picture, the Administration has concerns regarding the level of resources the bill would provide for a number of programs in a way that undermines core government functions, investments key to economic growth and job creation, as well as protection of public health and the environment and preservation of our Nation's natural resource heritage, including, but not limited to:

#### Department of the Interior (DOI)

*Fish and Wildlife Service (FWS) Conservation Grants.* The level of funding provided to the North American Wetlands Conservation Act and State and Tribal Wildlife grants, as well as the termination of Neotropical Migratory Bird Conservation Act grants, would threaten the ability of States and private organizations to conserve and provide access to habitat, undermining the conservation of game and non-game species.

*Safety Inspection Fees.* The bill does not include user fees to cover inspections of oil and gas production facilities offshore and onshore. Without these fees, taxpayers, rather than industry, would have to shoulder the cost of these operations, which are critical to ensuring safe and responsible energy development.

*FWS Operations.* The funding provided for operations would seriously degrade the ability of FWS to maintain the network of National Wildlife Refuges and fulfill other statutory responsibilities. This would result in delays in environmental compliance reviews, which could impede major infrastructure projects, including road construction, water delivery, and other federally funded projects that directly benefit State and local governments.

*Landsat.* The bill does not provide funding to begin the acquisition of the next Landsat satellite, ending a 40-year stream of data that is used by Federal, State, local and Tribal governments and the private sector to make informed land and resource management decisions and to assess the impacts of those decisions over time.

#### DOI and Department of Agriculture (USDA), Forest Service

*Land and Water Conservation Fund (LWCF).* The funding in the bill for LWCF programs would deny willing sellers the opportunity to sell land holdings, and severely impair the ability of Federal, State, and local officials, as well as private landowners, to preserve and manage areas important to wildlife, recreationalists, and sportsmen and women.

*Wildland Fire Suppression.* The bill's funding for suppression is substantially below the 10-year average, which is the accepted method for calculating suppression requirements. While

the bill directs DOI and the Forest Service to use emergency fire suppression balances to make up the shortfall, this strategy carries high risk given the high fire activity to date and the cancellation of balances in FY 2011 appropriations.

### Environmental Protection Agency (EPA)

*EPA Operating Budget.* At the funding level provided, EPA will be unable to implement its core mission of protecting human health and the environment. Research necessary to support this mission will be curtailed, and restoration of key ecosystems such as the Great Lakes and the Chesapeake Bay will be delayed.

*State Revolving Funds (SRFs).* The level of funding provided in the bill would result in approximately 400 fewer wastewater and drinking water projects, and impede EPA's ability to reach the long-term goal of providing approximately 5 percent of total water infrastructure funding annually.

*State Categorical Grants.* The funding provided in the bill for grants to States would impede States' ability to carry out critical public health and environmental activities such as air quality monitoring and water quality permitting. This would greatly reduce core high-priority State environmental programs at a time of declining State budgets.

*Greenhouse Gas (GHG) Programs.* The reductions in funding for GHG programs and regulations severely limit actions the Administration could take under current law to permit, control, and monitor greenhouse gases and would block EPA's efforts to reduce GHG emissions from vehicles and large stationary sources.

*Great Lakes Restoration Initiative (GLRI).* The level of resources for the GLRI would reduce the ability of Federal agencies and their partners to clean up contaminated sediments, fight invasive species, restore habitat, and improve water quality in this critical ecosystem.

*High Priority Ecosystems Funding.* The level of funding provided for the Chesapeake Bay would jeopardize the successful clean-up of the Nation's largest estuary.

*Responsible Energy Development and Oil Spill Response.* The level of resources in the bill would eliminate efforts to increase the frequency of environmental compliance inspections at oil facilities. In addition, the bill does not include emergency transfer authority necessary to improve the Government's ability to prevent and respond to oil spills.

*Smart Growth.* The bill terminates funding for EPA's Smart Growth program, which contributes to efforts to assist communities in coordinating infrastructure investments and minimizing environmental impact of development.

### National Endowment for the Arts (NEA).

The funding in the bill for the NEA, which is the largest national funder of the arts in the United States, would cut support for arts organizations across the country during a time when private

and State arts funding is also highly constrained.

Council on Environmental Quality.

The Administration's ability to guide the Executive Branch's environmental policies and programs will be substantially reduced at the funding level in the bill.

The Administration strongly opposes problematic policy and language issues that are beyond the scope of funding legislation, including, but not limited to, the following provisions in this bill:

*Restrictions on Implementing the Endangered Species Act.* Preventing FWS from implementing key provisions of the Endangered Species Act will only result in increased costs and delays in the future.

*Mountain Top Mining Reform.* Preventing the Office of Surface Mining from developing or implementing the stream buffer zone rule could increase the risk of litigation and potentially delay sustainable coal mining.

*Mineral Withdrawal Prohibition.* Prohibiting DOI from restricting new mining claims on approximately 1 million acres of Federal lands near the Grand Canyon will reverse a temporary moratorium on new uranium and other mining claims. The Secretary of the Interior is currently assessing the impact to water quality in Grand Canyon National Park to ensure that any future uranium or other mining activity in the area does not lead to the human health and environmental impacts seen from previous mining-caused contamination of ground water and drinking water supplies.

*Gray Wolves.* The Endangered Species Act expressly gives the public the right to challenge listing decisions. Restricting judicial review of any published final rule to delist gray wolves in Wyoming or the Great Lakes region from the Endangered Species Act would deny the public an opportunity to make sure that a future listing decision on gray wolves is based on science.

*Protecting Wilderness Characteristics Secretarial Order.* Prohibiting the Bureau of Land Management (BLM) from implementing Secretarial Order 3310, which directs BLM to use the public resource management planning process to designate certain lands with wilderness characteristics as "Wild Lands" is unnecessary given the Department's policy that includes collaboration with stakeholders to identify public lands that may be appropriate candidates for congressional designation under the Wilderness Act.

*Greenhouse Gas (GHG) Emissions from Stationary Sources.* Preventing EPA from regulating GHG emissions from stationary sources would prevent the Agency from proposing or finalizing new regulations to control GHG emissions from power plants and petroleum refineries, increasing the risk of long-term environmental consequences from GHG emissions. EPA is under two settlement agreements to complete these rules in 2012.

*Clean Air Act Permitting.* Section 431(a)(2-4) of the bill effectively overrides Federal and

State-issued permits for emissions from industrial facilities that are very large emitters of greenhouse gases by stating that the Clean Air Act's requirement to obtain a permit has no legal effect and that no lawsuits may be brought against a facility due to uncontrolled greenhouse gas emissions.

*Light-Duty Greenhouse Gas Standards.* Section 453 of the bill undermines Executive Branch efforts to set standards that will save consumers money at the pump and reduce GHG emissions through increased vehicle fuel efficiency on Model Year 2017-2025 Light-Duty Vehicles.

*Utility Maximum Achievable Control Technology (MACT)/Transport Rule.* Section 462 of the bill blocks EPA from implementing its utility MACT rule to control air toxics emissions, as well as the Cross-State Air Pollution Rule controlling interstate transport of nitrogen oxides and particulate matter emissions from power plants. This provision interferes with the long-delayed implementation of major air pollution rules covering pollution from power plants.

*Mountaintop Mining Coordination and Guidance.* Section 433 of the bill prohibits implementing or enforcing an EPA/Army Corps of Engineers (Corps)/Office of Surface Mining coordination Memorandum of Understanding and EPA guidance on the Clean Water Act/National Environmental Policy Act and mountaintop mining. This issue is currently undergoing judicial review and should be allowed to conclude without congressional intervention.

*Clean Water Act.* Section 435 of the bill would stop an important Administration effort to provide clarity around which water bodies are covered by the Clean Water Act. The Administration's work in this area will help to protect the public health and economic benefits provided to the American public by clean water, while also bringing greater certainty to business planning and investment and reducing an ongoing loss of wetlands and other sensitive aquatic resources. The existing regulations were the subject of two recent Supreme Court cases, in which the Court itself indicated the need for greater regulatory clarity regarding the appropriate scope of the Clean Water Act jurisdiction.

*Outer Continental Shelf Drilling .* Section 443 of the bill limits EPA's Clean Air Act permitting authority for Outer Continental Shelf drilling and would eliminate the Agency's discretion in considering human health and environmental protections when issuing these permits.

*Integrated Risk Information System.* Section 444 of the bill withholds funding for EPA to take administrative action following its assessment of risk for certain chemicals. This provision would delay scientific assessment of environmental contaminants and could delay regulatory or other Agency actions designed to protect public health.

*Limiting Compliance of the Endangered Species Act.* Section 447 of the bill would prevent EPA from implementing a biological opinion related to pesticides if the opinion identifies modifying, canceling, or suspending registration of a pesticide registered under FIFRA. This could undermine efforts to protect species from being put into jeopardy from a Federal project and could stop development and delay issuance of permits.

*Lead Renovation and Repair Rule.* Section 450 of the bill prohibits funding for EPA to implement the 2008 Lead Renovation, Repair and Painting (RRP) rule, as amended, until after industry develops and EPA approves different lead paint test kits. This would undermine efforts to protect sensitive populations from exposure to lead, a known toxin to children and developing fetuses, during home renovation projects. The currently available test kits allow renovators to comply with the 2008 rule.

*Reducing Emissions from Cement Facilities.* The language would prevent common sense deployment of technology that has been around for decades that will improve public health by reducing emissions of pollutants, including known carcinogens such as dioxin, from cement facilities.

*Fighting Fraud, Waste, and Abuse.* Sections 449 and 451 of the bill fall short of their intended purposes of protecting the interest of the Nation's taxpayers. The Administration looks forward to working with the Congress to achieve the common goal of fighting fraud, waste, and abuse in Federal contracts, grants, and other Federal assistance.

The Administration looks forward to working with the Congress as the fiscal year 2012 appropriations process moves forward to ensure the Administration can support enactment of the legislation.

\* \* \* \* \*



SAP on H.R. 2584.pdf



**EXECUTIVE OFFICE OF THE PRESIDENT**  
**OFFICE OF MANAGEMENT AND BUDGET**  
**WASHINGTON, D.C. 20503**

July 21, 2011  
(House Rules)

## **STATEMENT OF ADMINISTRATION POLICY**

### **H.R. 2584 — Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012** (Rep. Rogers, R-KY)

The Administration strongly opposes House passage of H.R. 2584, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2012. The Administration is committed to ensuring the Nation lives within its means and reducing the deficit so that the Nation can compete in the global economy and win the future. That is why the President put forth a comprehensive fiscal framework that reduces the deficit by \$4 trillion, supports economic growth and long-term job creation, protects critical investments, meets the commitments made to provide dignity and security to Americans no matter their circumstances, and provides for our national security.

The Administration strongly opposes a number of provisions in this bill, including ideological and political provisions that are beyond the scope of funding legislation. If the President is presented with a bill that undermines ongoing conservation, public health, and environmental protection efforts through funding limits or restrictions, his senior advisors would recommend he veto the bill.

While overall funding limits and subsequent allocations remain unclear pending the outcome of ongoing bipartisan, bicameral discussions between the Administration and congressional leadership on the Nation's long-term fiscal picture, the Administration has concerns regarding the level of resources the bill would provide for a number of programs in a way that undermines core government functions, investments key to economic growth and job creation, as well as protection of public health and the environment and preservation of our Nation's natural resource heritage, including, but not limited to:

#### Department of the Interior (DOI)

*Fish and Wildlife Service (FWS) Conservation Grants.* The level of funding provided to the North American Wetlands Conservation Act and State and Tribal Wildlife grants, as well as the termination of Neotropical Migratory Bird Conservation Act grants, would threaten the ability of States and private organizations to conserve and provide access to habitat, undermining the conservation of game and non-game species.

*Safety Inspection Fees.* The bill does not include user fees to cover inspections of oil and gas production facilities offshore and onshore. Without these fees, taxpayers, rather than industry, would have to shoulder the cost of these operations, which are critical to ensuring safe and responsible energy development.

*FWS Operations.* The funding provided for operations would seriously degrade the ability of FWS to maintain the network of National Wildlife Refuges and fulfill other statutory responsibilities. This would result in delays in environmental compliance reviews, which could impede major

infrastructure projects, including road construction, water delivery, and other federally funded projects that directly benefit State and local governments.

*Landsat.* The bill does not provide funding to begin the acquisition of the next Landsat satellite, ending a 40-year stream of data that is used by Federal, State, local and Tribal governments and the private sector to make informed land and resource management decisions and to assess the impacts of those decisions over time.

#### DOI and Department of Agriculture (USDA), Forest Service

*Land and Water Conservation Fund (LWCF).* The funding in the bill for LWCF programs would deny willing sellers the opportunity to sell land holdings, and severely impair the ability of Federal, State, and local officials, as well as private landowners, to preserve and manage areas important to wildlife, recreationalists, and sportsmen and women.

*Wildland Fire Suppression.* The bill's funding for suppression is substantially below the 10-year average, which is the accepted method for calculating suppression requirements. While the bill directs DOI and the Forest Service to use emergency fire suppression balances to make up the shortfall, this strategy carries high risk given the high fire activity to date and the cancellation of balances in FY 2011 appropriations.

#### Environmental Protection Agency (EPA)

*EPA Operating Budget.* At the funding level provided, EPA will be unable to implement its core mission of protecting human health and the environment. Research necessary to support this mission will be curtailed, and restoration of key ecosystems such as the Great Lakes and the Chesapeake Bay will be delayed.

*State Revolving Funds (SRFs).* The level of funding provided in the bill would result in approximately 400 fewer wastewater and drinking water projects, and impede EPA's ability to reach the long-term goal of providing approximately 5 percent of total water infrastructure funding annually.

*State Categorical Grants.* The funding provided in the bill for grants to States would impede States' ability to carry out critical public health and environmental activities such as air quality monitoring and water quality permitting. This would greatly reduce core high-priority State environmental programs at a time of declining State budgets.

*Greenhouse Gas (GHG) Programs.* The reductions in funding for GHG programs and regulations severely limit actions the Administration could take under current law to permit, control, and monitor greenhouse gases and would block EPA's efforts to reduce GHG emissions from vehicles and large stationary sources.

*Great Lakes Restoration Initiative (GLRI).* The level of resources for the GLRI would reduce the ability of Federal agencies and their partners to clean up contaminated sediments, fight invasive species, restore habitat, and improve water quality in this critical ecosystem.

*High Priority Ecosystems Funding.* The level of funding provided for the Chesapeake Bay would jeopardize the successful clean-up of the Nation's largest estuary.

*Responsible Energy Development and Oil Spill Response.* The level of resources in the bill would eliminate efforts to increase the frequency of environmental compliance inspections at oil facilities. In addition, the bill does not include emergency transfer authority necessary to improve the Government's ability to prevent and respond to oil spills.

*Smart Growth.* The bill terminates funding for EPA's Smart Growth program, which contributes to efforts to assist communities in coordinating infrastructure investments and minimizing environmental impact of development.

National Endowment for the Arts (NEA).

The funding in the bill for the NEA, which is the largest national funder of the arts in the United States, would cut support for arts organizations across the country during a time when private and State arts funding is also highly constrained.

Council on Environmental Quality.

The Administration's ability to guide the Executive Branch's environmental policies and programs will be substantially reduced at the funding level in the bill.

The Administration strongly opposes problematic policy and language issues that are beyond the scope of funding legislation, including, but not limited to, the following provisions in this bill:

*Restrictions on Implementing the Endangered Species Act.* Preventing FWS from implementing key provisions of the Endangered Species Act will only result in increased costs and delays in the future.

*Mountain Top Mining Reform.* Preventing the Office of Surface Mining from developing or implementing the stream buffer zone rule could increase the risk of litigation and potentially delay sustainable coal mining.

*Mineral Withdrawal Prohibition.* Prohibiting DOI from restricting new mining claims on approximately 1 million acres of Federal lands near the Grand Canyon will reverse a temporary moratorium on new uranium and other mining claims. The Secretary of the Interior is currently assessing the impact to water quality in Grand Canyon National Park to ensure that any future uranium or other mining activity in the area does not lead to the human health and environmental impacts seen from previous mining-caused contamination of ground water and drinking water supplies.

*Gray Wolves.* The Endangered Species Act expressly gives the public the right to challenge listing decisions. Restricting judicial review of any published final rule to delist gray wolves in Wyoming or the Great Lakes region from the Endangered Species Act would deny the public an opportunity to make sure that a future listing decision on gray wolves is based on science.

*Protecting Wilderness Characteristics Secretarial Order.* Prohibiting the Bureau of Land Management (BLM) from implementing Secretarial Order 3310, which directs BLM to use the public resource management planning process to designate certain lands with wilderness characteristics as "Wild Lands" is unnecessary given the Department's policy that includes collaboration with stakeholders to identify public lands that may be appropriate candidates for

congressional designation under the Wilderness Act.

*Greenhouse Gas (GHG) Emissions from Stationary Sources.* Preventing EPA from regulating GHG emissions from stationary sources would prevent the Agency from proposing or finalizing new regulations to control GHG emissions from power plants and petroleum refineries, increasing the risk of long-term environmental consequences from GHG emissions. EPA is under two settlement agreements to complete these rules in 2012.

*Clean Air Act Permitting.* Section 431(a)(2-4) of the bill effectively overrides Federal and State-issued permits for emissions from industrial facilities that are very large emitters of greenhouse gases by stating that the Clean Air Act's requirement to obtain a permit has no legal effect and that no lawsuits may be brought against a facility due to uncontrolled greenhouse gas emissions.

*Light-Duty Greenhouse Gas Standards.* Section 453 of the bill undermines Executive Branch efforts to set standards that will save consumers money at the pump and reduce GHG emissions through increased vehicle fuel efficiency on Model Year 2017-2025 Light-Duty Vehicles.

*Utility Maximum Achievable Control Technology (MACT)/Transport Rule.* Section 462 of the bill blocks EPA from implementing its utility MACT rule to control air toxics emissions, as well as the Cross-State Air Pollution Rule controlling interstate transport of nitrogen oxides and particulate matter emissions from power plants. This provision interferes with the long-delayed implementation of major air pollution rules covering pollution from power plants.

*Mountaintop Mining Coordination and Guidance.* Section 433 of the bill prohibits implementing or enforcing an EPA/Army Corps of Engineers (Corps)/Office of Surface Mining coordination Memorandum of Understanding and EPA guidance on the Clean Water Act/National Environmental Policy Act and mountaintop mining. This issue is currently undergoing judicial review and should be allowed to conclude without congressional intervention.

*Clean Water Act.* Section 435 of the bill would stop an important Administration effort to provide clarity around which water bodies are covered by the Clean Water Act. The Administration's work in this area will help to protect the public health and economic benefits provided to the American public by clean water, while also bringing greater certainty to business planning and investment and reducing an ongoing loss of wetlands and other sensitive aquatic resources. The existing regulations were the subject of two recent Supreme Court cases, in which the Court itself indicated the need for greater regulatory clarity regarding the appropriate scope of the Clean Water Act jurisdiction.

*Outer Continental Shelf Drilling.* Section 443 of the bill limits EPA's Clean Air Act permitting authority for Outer Continental Shelf drilling and would eliminate the Agency's discretion in considering human health and environmental protections when issuing these permits.

*Integrated Risk Information System.* Section 444 of the bill withholds funding for EPA to take administrative action following its assessment of risk for certain chemicals. This provision would delay scientific assessment of environmental contaminants and could delay regulatory or other Agency actions designed to protect public health.

*Limiting Compliance of the Endangered Species Act.* Section 447 of the bill would prevent EPA from implementing a biological opinion related to pesticides if the opinion identifies modifying, canceling, or suspending registration of a pesticide registered under FIFRA. This could undermine

efforts to protect species from being put into jeopardy from a Federal project and could stop development and delay issuance of permits.

*Lead Renovation and Repair Rule.* Section 450 of the bill prohibits funding for EPA to implement the 2008 Lead Renovation, Repair and Painting (RRP) rule, as amended, until after industry develops and EPA approves different lead paint test kits. This would undermine efforts to protect sensitive populations from exposure to lead, a known toxin to children and developing fetuses, during home renovation projects. The currently available test kits allow renovators to comply with the 2008 rule.

*Reducing Emissions from Cement Facilities.* The language would prevent common sense deployment of technology that has been around for decades that will improve public health by reducing emissions of pollutants, including known carcinogens such as dioxin, from cement facilities.

*Fighting Fraud, Waste, and Abuse.* Sections 449 and 451 of the bill fall short of their intended purposes of protecting the interest of the Nation's taxpayers. The Administration looks forward to working with the Congress to achieve the common goal of fighting fraud, waste, and abuse in Federal contracts, grants, and other Federal assistance.

The Administration looks forward to working with the Congress as the fiscal year 2012 appropriations process moves forward to ensure the Administration can support enactment of the legislation.

\* \* \* \* \*

01268-EPA-5716

**EPAExecSec**

Sent by (b) (6) Personal Privacy

07/27/2011 06:42 PM

To Aaron Dickerson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, David McIntosh, Diane Thompson, Eric Wachter, Gladys Stroman, Heidi Ellis, Jose Lozano, Laura Vaught, Michael Goo, Richard Windsor, Sarah Pallone, Seth Oster, Stephanie Washington, Christopher Busch

cc

bcc

Subject Daily Reading File: July 27, 2011



Daily Reading File.7.27.11.pdf



# Correspondence Management System

Control Number: AX-11-001-2476

Printing Date: July 27, 2011 10:00:57



## Citizen Information

Citizen/Originator: Zeponi, David

Organization: Northwest Food Processors Association  
Address: 8338 NE Alderwood Road, Portland, OR 97220

Constituent: N/A

Committee: N/A Sub-Committee: N/A

## Control Information

Control Number: AX-11-001-2476 Alternate Number: N/A  
Status: Pending Closed Date: N/A  
Due Date: Aug 10, 2011 # of Extensions: 0  
Letter Date: Jul 14, 2011 Received Date: Jul 26, 2011  
Addressee: AD-Administrator Addressee Org: EPA  
Contact Type: LTR (Letter) Priority Code: Normal  
Signature: AA-OAR-Assistant Administrator Signature Date: N/A  
- OAR

File Code: 404-141-02-01\_141\_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File- We encourage NHTSA and EPA to adopt a single, national fuel economy standard that considers America's needs for increased fuel economy while preserving affordable choices for customers and businesses to meet their transportation needs.

Instructions: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

OP - Office of Policy

R10 - Region 10 -- Immediate Office

## Lead Information

Lead Author: N/A

### Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Privacy	OEX	OAR	Jul 27, 2011	Aug 10, 2011	N/A
Instruction: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR					

## Supporting Information

Supporting Author: N/A

### Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

## History

DAILY READING FILE



July 14, 2011

The Honorable Ray LaHood  
Secretary  
Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

The Honorable Lisa Jackson  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20004

Dear Secretary LaHood and Administrator Jackson:

The chief purpose of the Northwest Food Processors Association is to represent, protect, and enhance the economic interests of our members. As such, we must tell you that the economic vitality of the food processing and agriculture in the Northwest sector relies heavily on the success of the automobile industry. As your agencies develop new national fuel economy standards for 2017-2025, we feel compelled to share our views on this issue.

We are concerned that your agencies are heading down a regulatory path on fuel economy that will result in large job losses and other harmful costs to the economy. We encourage NHTSA and EPA to adopt a single, national fuel economy standard that considers America's needs for increased fuel economy while preserving affordable choices for customers and businesses to meet their transportation needs. NHTSA and EPA have already set strong standards for 2012-2016 that raised the fleet average by 40% to 35 miles per gallon. Looking forward, technology improvements should continue to support increases in fuel economy and greenhouse gas standards. However, we recognize that overreaching regulations can place a significant cost burden on our members, especially those on farms who rely on different kinds of automobiles of all sizes to perform daily functions.

A "one-size fits all" approach does not work for those in our industry, particularly our farmers, as the needs of farmers are significantly different from other types of automobile customers. Our people need big trucks and other large vehicles to haul equipment and perform a variety of necessary tasks. The next phase of fuel economy standards for 2017-2025 should not pick winners and losers, but should support a variety of technologies and fuel diversity to preserve affordability. Additionally, if fuel economy standards increase too quickly, the cost of owning a vehicle will go up, which means the cost of food processing will also go up. The result could put jobs across the country at risk.

At the Northwest Food Processors Association, job preservation is our priority, and we hope that you will consider in your rulemaking what is at stake for our business. The cost of overreaching is the loss of our business's competitiveness and profitability. Please carefully balance these factors as you weigh sensible fuel economy standards, especially as our nation's economy continues its touch-and-go recovery.

Sincerely,

David Zeponi  
President

RECEIVED  
OFFICE OF THE  
EXECUTIVE SECRETARIAT  
JUL 26 PM 3:24



# Correspondence Management System

Control Number: AX-11-001-2477

Printing Date: July 27, 2011 09:51:49



## Citizen Information

**Citizen/Originator:** Hamer, Glen

Organization: Arizona Chamber of Commerce and Industry  
Address: 1850 N. Central Avenue, Phoenix, AZ 85004

**Constituent:** N/A

**Committee:** N/A

**Sub-Committee:** N/A

## Control Information

<b>Control Number:</b>	AX-11-001-2477	<b>Alternate Number:</b>	N/A
<b>Status:</b>	Pending	<b>Closed Date:</b>	N/A
<b>Due Date:</b>	Aug 10, 2011	<b># of Extensions:</b>	0
<b>Letter Date:</b>	Jul 14, 2011	<b>Received Date:</b>	Jul 26, 2011
<b>Addressee:</b>	AD-Administrator	<b>Addressee Org:</b>	EPA
<b>Contact Type:</b>	LTR (Letter)	<b>Priority Code:</b>	Normal
<b>Signature:</b>	AA-OAR-Assistant Administrator	<b>Signature Date:</b>	N/A

- OAR

**File Code:** 404-141-02-01\_141\_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

**Subject:** Daily Reading File- We understand NHTSA and EPA desire to adopt a single, national fuel economy standard. We encourage you to carefully balance the factors that impact sensible fuel economy standards, including consumer choice, affordability and the economic concerns that weigh on our nation's fragile recovery.

**Instructions:** AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR

**Instruction Note:** N/A

**General Notes:** N/A

**CC:** OCIR - Office of Congressional and Intergovernmental Relations  
OEAE - Office of External Affairs and Environmental Education  
OP - Office of Policy  
R9 - Region 9 - Immediate Office

## Lead Information

**Lead Author:** N/A

### Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Privacy	OEX	OAR	Jul 27, 2011	Aug 10, 2011	N/A
<b>Instruction:</b> AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR					

## Supporting Information

**Supporting Author:** N/A

### Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

DAILY READING FILE

All emails sent by "Richard Windsor" were sent by EPA Administrator Lisa Jackson

**ARIZONA CHAMBER**  
*of Commerce and Industry*

Uniting Business. Advancing Arizona.

RECEIVED

2011 JUL 26 PM 3:24

OFFICE OF THE  
EXECUTIVE SECRETARIAT

July 14, 2011

The Honorable Ray LaHood  
Secretary  
Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

The Honorable Lisa Jackson  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20004

Dear Secretary LaHood and Administrator Jackson:

Every American today is concerned with jobs, the economy and energy security. The Arizona Chamber is focused on proactive policies to address these critical issues and help Arizona's economy prosper. Transportation is a critical component of our economic vitality and the national fuel economy standards for 2017-2025 that your departments are currently developing will have a profound impact.

Safe, efficient and reliable transportation affects all individuals and businesses in Arizona. Jobs in our state and across America are tied to cost effective transportation. With the recent increase in gas prices and the ongoing turmoil in the Middle East, reducing fuel usage and our country's dependence on foreign oil is a top priority. The Arizona Chamber encourages you to carefully consider a balanced and thoughtful approach as you lay out a long-term program aimed at improving vehicle fuel economy. but we.

We understand NHTSA and EPA desire to adopt a single, national fuel economy standard that considers America's needs for increased fuel economy while preserving the choices for individuals and businesses to meet their transportation needs. NHTSA and EPA have already set strong standards for 2012-2016 that raise the fleet average by 40% to 35 miles per gallon. Looking forward, technology improvements should continue to support increases in fuel economy and greenhouse gas standards. However, we know that overreaching regulations place a significant cost burden on individuals and businesses in Arizona.





It is important that standards for 2017-2025 encourage a broad range of consumer needs in terms of utility and function. The next phase of fuel economy standards should not pick winners and losers, but should support a variety of technologies and fuel diversity to preserve affordability. If fuel economy standards increase too quickly, resulting in more expensive vehicles, many Arizona consumers can be expected to hold on to their older vehicles longer and defer buying a new car, which could put jobs across the country at risk and delay compliance with federal air quality standards. Affordability, customer choice and job preservation is as much as priority as rising fuel economy.

As the Arizona Chamber, we think every day about ways to promote the interests of commerce and industry so as to enhance our state's economy. We encourage you to carefully balance the factors that impact sensible fuel economy standards, including consumer choice, affordability and the economic concerns that weigh on our nation's fragile recovery.

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn Hamer". The signature is fluid and cursive, with a large initial "G" and "H".

Glenn Hamer  
President and CEO  
Arizona Chamber of Commerce and Industry  
Arizona Manufacturers Council





# Correspondence Management System

Control Number: AX-11-001-2478

Printing Date: July 27, 2011 09:38:44



## Citizen Information

Citizen/Originator: Linko, Andrew

Organization: Charter Township of Brownstown (Michigan)  
Address: 21313 Telegraph Road, Brownstown, MI 48183-1399

Constituent: N/A

Committee: N/A Sub-Committee: N/A

## Control Information

Control Number: AX-11-001-2478 Alternate Number: N/A  
Status: Pending Closed Date: N/A  
Due Date: Aug 10, 2011 # of Extensions: 0  
Letter Date: Jul 27, 2011 Received Date: Jul 27, 2011  
Addressee: AD-Administrator Addressee Org: EPA  
Contact Type: LTR (Letter) Priority Code: Normal  
Signature: AA-OAR-Assistant Administrator Signature Date: N/A  
- OAR

File Code: 404-141-02-01\_141\_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Subject: Daily Reading File- My reason for writing to you is to ask for your consideration to adopt a single, national fuel economy standard.

Instructions: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations  
OEAE - Office of External Affairs and Environmental Education  
OP - Office of Policy  
R5 - Region 5 -- Immediate Office

## Lead Information

Lead Author: N/A

### Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Privacy	OEX	OAR	Jul 27, 2011	Aug 10, 2011	N/A
Instruction: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR					

## Supporting Information

Supporting Author: N/A

### Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

## History

*Charter Township of Brownstown*

ANDREW LINKO  
SUPERVISOR

21313 TELEGRAPH ROAD  
BROWNSTOWN, MICHIGAN 48183-1399  
E-mail: andrew.linko@brownstown-mi.org

(734) 675-0071  
Fax (734) 675-2807

July 12, 2011

The Honorable Lisa Jackson  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20004

Dear Mrs. Jackson:

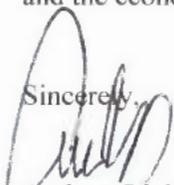
My reason for writing to you is to ask for your consideration to adopt a single, national fuel economy standard that addresses America's need for increased fuel economy while preserving the choices for families and businesses to meet their transportation needs without sacrificing affordability, safety, and most importantly jobs.

There is no American who is not concerned about jobs, the economy and energy security. As Supervisor of Brownstown Township, I am also focused on proactive policies to address these critical issues, and sustain our current and future budget. Transportation is a key component of our economic vitality and future growth.

Safe, efficient and reliable transportation impacts each individual, family, and business in our Township. Jobs in Brownstown are linked to cost effective transportation. We have experienced a 33% growth in population and with this growth we will need to address transportation issues. The reduction of dependence on foreign oil is a key National Security and economic issue on all of our minds. But what we need is a long term program that provides a balanced and thoughtful approach.

My position at the Township is part-time and my full time employment is with Ford Motor Company. So I have a personal interest in this issue as well as providing policy for our 28,000 residents in the Township. The Township recently had a substantial investment from General Motors for their new battery assembly operation. So our Township does have many jobs tied to the auto economy. Both of these employers have invested in new technologies to substantially improve fuel economy and reduce our Country's foreign fossil fuel consumption. We need more programs (grants, tax incentives, etc.) for R&D in these technologies, and the funds to make it happen. As Township Supervisor, I think everyday about job creation and security for my Township and the State of Michigan. As a policymaker, I know that good regulations and laws are often a balancing act of competing demands. I encourage you to carefully balance all factors that impact sensible fuel economy standards including customer choice, affordability and the economic concerns that weigh on our nation's fragile recovery.

Sincerely,



Andrew Linko

OFFICE OF THE  
EXECUTIVE SECRETARIAT

2011 JUL 26 PM 3:23

RECEIVED



# Correspondence Management System

Control Number: AX-11-001-2479

Printing Date: July 27, 2011 06:15:00



## Citizen Information

Citizen/Originator: Reardon, Joe

Organization: Unified Government of Wyandotte county/Kansas City

Address: 701 North 7th Street, Kansas City, KS 66101

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

## Control Information

Control Number: AX-11-001-2479

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Aug 10, 2011

# of Extensions: 0

Letter Date: Jul 27, 2011

Received Date: Jul 27, 2011

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: N/A

Signature Date: N/A

File Code: 404-141-02-01\_141\_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Subject: Transportation is a critical component of our economic vitality and given that your agency are now developing national fuel economy standards for 2017-2025, I want to share my views.

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations  
OEAE - Office of External Affairs and Environmental Education  
OP - Office of Policy  
R7 - Region 7 -- Immediate Office

## Lead Information

Lead Author: N/A

### Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	Jul 27, 2011	Aug 10, 2011	N/A
<b>Instruction:</b> DX-Respond directly to this citizen's questions, statements, or concerns					
Sabrina Hamilton	OAR	OAR-OTAQ	Jul 27, 2011	Aug 5, 2011	N/A
<b>Instruction:</b> OAR - Prepare response for the signature of Gina McCarthy, Assistant Administrator for the Office of Air and Radiation (OAR).					

## Supporting Information

Supporting Author: N/A