

EXHIBIT A

EDF's FOIA Request (August 1, 2017)

August 1, 2017

SUBMITTED ELECTRONICALLY

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

Re: Freedom of Information Act Request for Correspondence on the Potential Red Team/Blue Team Review of Climate Science

Dear National Freedom of Information Officer:

Environmental Defense Fund (“EDF”) respectfully requests records, as that term is described at 5 U.S.C. § 552(f)(2) of the Freedom of Information Act (“FOIA”), of the U.S. Environmental Protection Agency (“EPA” or the “Agency”). Specifically, EDF requests copies of all correspondence that (i) is related to a red team/blue team review of climate science and (ii) included among its sender(s) or recipient(s) any one or more of the following EPA employees¹:

- E. Scott Pruitt,
- Ryan Jackson,
- Henry Darwin,
- Byron Brown,
- Kevin Chmielewski,
- Alex Dominguez,
- Nicholas Falvo,
- Hayley Ford,
- Sarah Greenwalt,
- Mandy Gunasekara,
- Michelle Hale,
- Millan Hupp,
- Albert “Kell” Kelly,
- Forrest McMurray,
- Madeline Morris,
- Charles Munoz,
- Ken Wagner,
- Samantha Dravis,
- Brittany Bolen,
- Daisy Letendre,

¹ Other than Administrator Pruitt and Chief of Staff Jackson, these employees were all listed in Mr. Jackson’s June 27, 2017 memo to EPA employees entitled “Introducing EPA Political Appointees,” available at https://www.eenews.net/assets/2017/07/06/document_cw_01.pdf. Please consult that memo in the event of any ambiguity over the identities of the employees listed.

- Will Lovell,
- George Sugiyama, or
- Dr. Richard Yamada.

Correspondence includes hard-copy and electronic correspondence including, but not limited to, emails, voice mails, text messages, and correspondence transmitted through any other electronic platform. This request includes correspondence for which any of the listed EPA employees was a sender or recipient, regardless of whether the correspondence also included any other sender(s) or recipient(s).

EDF respectfully seeks records produced, modified, or transmitted since January 20, 2017 that exist as of the date that EPA begins searching for records responsive to this request.

If any of the information sought in this request is deemed by EPA to be properly withheld under a FOIA exemption, 5 U.S.C. § 552(b), please provide EDF with an explanation, for each such record or portion thereof, sufficient to identify the record and the particular exemption(s) claimed.

Request for Expedited Processing

EDF respectfully seeks expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E)(i) and 40 C.F.R. § 2.104(e)(1)(ii), which applies when there is “[a]n urgency to inform the public about an actual or alleged Federal government activity, if the information is requested by a person primarily engaged in disseminating information to the public.” With respect to five other FOIA requests, EPA recently recognized EDF’s eligibility for expedited processing on this basis.² In support of this request for expedited processing, I certify that the following information is true and correct to the best of my knowledge and belief:

- (1) EDF engages in extensive, daily efforts to inform the public about matters involving environmental policy. For example, EDF has multiple channels for distributing information to the public, including through direct communication with its more than 2 million members, press releases, blog posts, active engagement on social media, and frequent appearances by staff in major media outlets.³
- (2) Administrator Pruitt has repeatedly discussed the possibility of conducting a red

² See Letter from Larry F. Gottesman (EPA) to Benjamin Levitan (EDF) re: Request Tracking Number EPA-HQ-2017-003545 (Feb. 23, 2017); Letter from Larry F. Gottesman (EPA) to Benjamin Levitan (EDF) re: Request Tracking Number EPA-HQ-2017-005587 (Apr. 12, 2017); Letter from Larry F. Gottesman (EPA) to Benjamin Levitan (EDF) re: Request Tracking Number EPA-HQ-2017-008622 (July 7, 2017); Letter from Larry F. Gottesman (EPA) to Benjamin Levitan (EDF) re: Request Tracking Number EPA-HQ-2017-009283 (July 13, 2017); Letter from Larry F. Gottesman (EPA) to Benjamin Levitan (EDF) re: Request Tracking Number EPA-HQ-2017-009579 (July 26, 2017).

³ See, e.g., Martha Roberts, *Scott Pruitt Keeps Americans in the Dark on His Activities*, EDF Climate 411 Blog (June 20, 2017), <http://blogs.edf.org/climate411/2017/06/20/scott-pruitt-keeps-americans-in-the-dark-on-his-activities/>; Associate Vice President Jeremy Symons, *Did Trump’s EPA Chief Just Rewrite the EPA’s Mission?*, Huffington Post (Apr. 20, 2017), <http://www.huffingtonpost.com/entry/58efe8b7e4b0156697224dab>.

team/blue team review of climate science.⁴

- (3) EPA's potential red team/blue team exercise has garnered significant media coverage and elicited concerns from a wide range of stakeholders and observers for, among other reasons, the possibility that it would not utilize sound scientific research and processes.⁵
- (4) EPA has not announced a timeframe for planning or completing a red team/blue team exercise, but reports suggest that the Agency is already soliciting input from hand-picked external stakeholders.⁶
- (5) The red team/blue team exercise, as reported, would involve our nation's top environmental agency conducting a review of our nation's—and the world's—most significant environmental challenge. Organizing this exercise in a nontransparent or unbalanced manner could undermine the mandates and safeguards that have historically guided U.S. climate science. For example, the most recent U.S. National Climate Assessment—conducted pursuant to the Global Change Research Act of 1990—“assesse[d] the science of climate change and its impacts across the United States,” spanned more than 800 pages, and undertook an interagency “process of unprecedented rigor and transparency . . . so that the findings . . . would rest on the firmest possible base of expert judgment.”⁷
- (6) Any process that EPA uses to review climate science must be subjected to public scrutiny and input. Establishing such a process nontransparently and drawing back the curtain only for a publicized debate risks prioritizing performance value over scientific values. The public must understand early on how any red team/blue team exercise is being

⁴ See, e.g., John Hayward, *Scott Pruitt: Paris Climate Agreement Would Have Driven more 'Regulation through Litigation'*, Breitbart (June 5, 2017), <http://www.breitbart.com/radio/2017/06/05/pruitt-paris-climate-agreement-driven-regulation-litigation/>; Valerie Volcovici, *EPA Chief Wants Scientists to Debate Climate on TV*, Reuters (July 11, 2017), <http://www.reuters.com/article/us-usa-epa-pruitt-idUSKBN19W2D0>.

⁵ See, e.g., Amy Harder, *Attacks on EPA's Climate Debate Go Beyond Usual Suspects*, Axios (July 27, 2017), <https://www.axios.com/pruitts-climate-debate-idea-faces-bipartisan-criticism-2465935280.html>; John P. Holdren, *The Perversity of the Climate Science Kangaroo Court*, Op-Ed, Boston Globe (July 25, 2017), <https://www.bostonglobe.com/opinion/2017/07/24/the-perversity-red-teaming-climate-science/VkT05883ajZaTPMbrP3wpJ/story.html>; David Schnare, *Schnare, Former Transition Official, On His Departure, EPA Climate Science Review*, Guest Perspective, Inside EPA (July 25, 2017), <https://insideepa.com/daily-news/schnare-former-transition-official-his-departure-epa-climate-science-review>; Brad Plumer & Coral Davenport, *E.P.A. to Give Dissenters a Voice on Climate, No Matter the Consensus*, N.Y. Times (June 30, 2017), https://www.nytimes.com/2017/06/30/climate/scott-pruitt-climate-change-red-team.html?_r=0; Benjamin Santer, Kerry Emanuel, & Naomi Oreskes, *Attention Scott Pruitt: Red Teams and Blue Teams Are No Way to Conduct Climate Science*, Op-Ed, Wash. Post (June 21, 2017), https://www.washingtonpost.com/news/capital-weather-gang/wp/2017/06/21/attention-scott-pruitt-red-teams-and-blue-teams-are-no-way-to-conduct-climate-science/?utm_term=.cd7233385663.

⁶ See John Siciliano, *Trump Administration Lining Up Climate Change 'Red Team'*, Wash. Examiner (July 24, 2017), <http://www.washingtonexaminer.com/trump-administration-lining-up-climate-change-red-team/article/2629124>; Hannah Northey, *Pruitt Eyes Former Obama DOE Official to Lead Climate Review*, E&E News (July 24, 2017), <https://www.eenews.net/greenwire/stories/1060057816/>.

⁷ U.S. Glob. Change Research Prog., *Climate Change Impacts in the United States: The Third National Climate Assessment* iii-iv (2014), http://nca2014.globalchange.gov/system/files_force/downloads/low/NCA3_Climate_Change_Impacts_in_the_United%20States_LowRes.pdf?download=1.

envisioned and organized, rather than having a final result revealed at the end.

Request for Fee Waiver

As a non-partisan, non-profit organization that provides information that is in the public interest, EDF respectfully requests a waiver of fees associated with this request. We are not seeking information for any commercial purpose and the records received will contribute to a greater public understanding of an issue of considerable public interest: the process by which EPA may be organizing a major scientific review of the most important environmental issue of our time. 5 U.S.C. § 552(a)(4)(A)(iii). EDF is well positioned to disseminate the records to the public, as we routinely issue press releases, action alerts, reports, analyses, and other public outreach materials. We fully intend to disseminate newsworthy information received in response to this request. Accordingly, we respectfully request that the documents be furnished without charge. 5 U.S.C. § 552(a)(4)(A)(iii).

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

Respectfully submitted,

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Washington, DC 20009