

# Exhibit A72



**Scott Pruitt** ✓

February 3, 2016 · 🌐

"You have the EPA and this administration taking steps to basically engage in unlawful action, and they're trying to accelerate it so that the state are forced to comply before there's ever a ruling on the merits, with respect to the unlawfulness of the rule."



## State AGs bullish about challenge to 'unlawful' Obama climate rule

They are expressing confidence that their unusual legal strategy will work.

THEHILL.COM

# Exhibit A73

(ORDER LIST: 577 U.S.)

TUESDAY, FEBRUARY 9, 2016

ORDER IN PENDING CASE

15A787 CHAMBER OF COMMERCE, ET AL. V. EPA, ET AL.

The application for a stay submitted to The Chief Justice and by him referred to the Court is granted. The Environmental Protection Agency's "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units," 80 Fed. Reg. 64,662 (October 23, 2015), is stayed pending disposition of the applicants' petitions for review in the United States Court of Appeals for the District of Columbia Circuit and disposition of the applicants' petition for a writ of certiorari, if such writ is sought. If a writ of certiorari is sought and the Court denies the petition, this order shall terminate automatically. If the Court grants the petition for a writ of certiorari, this order shall terminate when the Court enters its judgment.

Justice Ginsburg, Justice Breyer, Justice Sotomayor, and Justice Kagan would deny the application.



# Exhibit A74



**Scott Pruitt** ✓

February 9, 2016 · 🌐

Great day for freedom & the rule of law. After months of fighting, the Supreme Court has sided w/ the Constitution & blocked Obama's Clean Power Plan.



## Supreme Court Puts Obama's Clean Power Plan on Hold

A divided Supreme Court agreed Tuesday to halt enforcement of President Barack Obama's sweeping plan to address climate change until after legal challenges are resolved. The surprising move is a blow to the administration and a victory for the...

[ABCNEWS.GO.COM](http://ABCNEWS.GO.COM)

# Exhibit A75



**Scott Pruitt** ✓  
@ScottPruittOK

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Great day for freedom & the rule of law. After months of fighting, [#SCOTUS](#) has sided w/ the Constitution & blocked Obama's [#CleanPowerPlan](#)

3:58 PM - 9 Feb 2016

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# Exhibit A76



**Scott Pruitt** ✓

February 9, 2016 · 🌐

Today's order is confirmation that the Supreme Court believes there is a strong likelihood that the States will ultimately prevail in their challenge to the Administration's actions. Just as important, the stay prevents the EPA from doing what it has repeatedly done in the past: forcing States and businesses to comply with their regulations while they are being challenged in court, only to have the courts determine that the regulations were illegal after the damage from executive overreach has already been wrought.



## Oklahoma AG praises ruling to block Clean Power Plan

Oklahoma Attorney General Scott Pruitt is praising the U.S. Supreme Court's decision to temporarily block President Barack Obama's plan to cut power plant emissions.

[WASHINGTONTIMES.COM](http://WASHINGTONTIMES.COM)

# Exhibit A77



**Scott Pruitt** ✓

@ScottPruittOK

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Proud to stand w/ Republican AGs in blocking Obama's [#FederalOverreach](#). This day was a longtime coming. Congrats!

4:13 PM - 9 Feb 2016



# Exhibit A78



**Scott Pruitt** ✓

February 10, 2016 · 🌐

ICYMI: Yesterday's Supreme Court ruling was a huge victory for the rule of law. We must continue to stand up for the Constitution and the freedoms it protects.



249 Likes 10 Comments 20 Shares

# Exhibit A79



**Scott Pruitt** ✓

February 12, 2016 · 🌐

Thanks to Lee Matthews for having me on to discuss this week's major win against Obama's federal overreach.

Click below to listen to our chat on [News Radio 1000 KTOK](#).



**SCOTUS stops Obama's Clean Power Plan**

[KTOK.IHEART.COM](#)

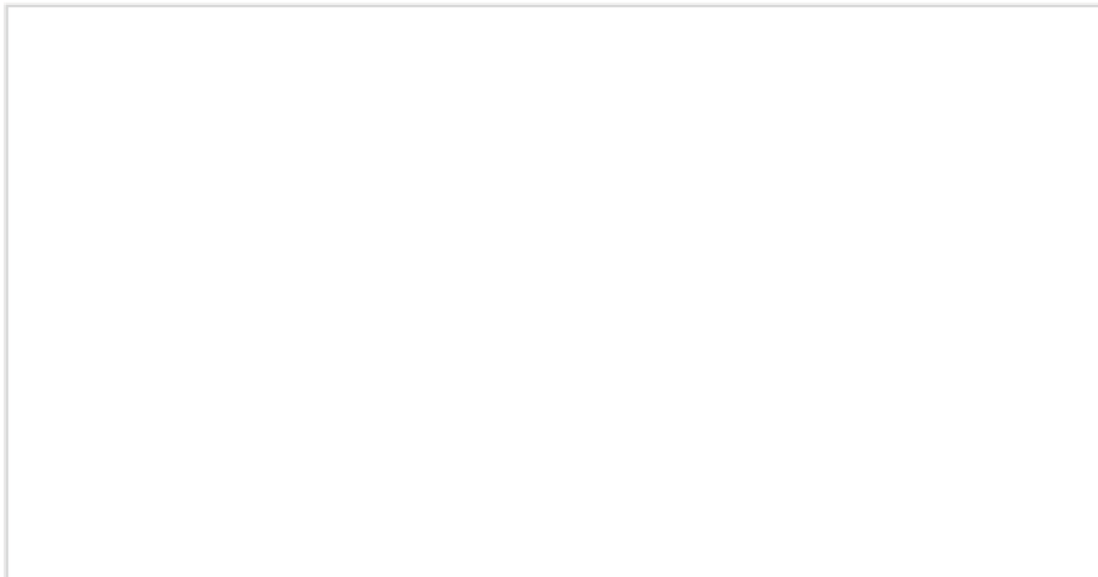
# Exhibit A80



**Scott Pruitt** ✓

March 16, 2016 · 🌐

I've been called many things in life, but I like when the [Washington Post](#) called me a “Tenacious Tormentor” of President Obama the best.



### Scott Pruitt – The Obama Administration’s “Tenacious Tormentor”

The current Oklahoma Attorney General, Scott Pruitt, has worked for most of his career to limit the federal government’s power over the states. This state lea

[OPPORTUNITYLIVES.COM](#)

# Exhibit A81



**Scott Pruitt** ✓

@ScottPruittOK

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I've been called many things, but the  
[@washingtonpost](#) calling me a "Tenacious  
Tormentor" of Pres Obama is the best.  
[goo.gl/9YOx2o](http://goo.gl/9YOx2o)

7:05 AM - 16 Mar 2016

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# Exhibit A82



**Scott Pruitt** ✓

March 30, 2016 · 🌐

To take a stand for my campaign is to take a stand for...

Blocking the President's Clean Power Plan

Blocking his unilateral amnesty-granting immigration rules

Blocking his EPA from a massive takeover of water of the US

If you stand for any of these things will you take a stand once more by donating just \$15 to help us reach our end of quarter goal?



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# Exhibit A83



**Scott Pruitt** ✓

April 5, 2016 · 🌐

I will continue to fight against the Obama Administration's Clean Power Plan, and against those that believe all dissenting voices should be silenced. Will you stand with me?



## Pruitt, Strange condemn attempts to silence those disagreeing with President's energy agenda

Oklahoma Attorney General Scott Pruitt and Alabama Attorney General Luther Strange say they won't support Gore's and

[ARDMOREITE.COM](http://ARDMOREITE.COM)

# Exhibit A84



Testimony before the House Committee on Science, Space and Technology

Subcommittee on Environment

Impact of the EPA's Clean Power Plan on States

May 26, 2016

E. Scott Pruitt

Attorney General

State of Oklahoma

Good morning, Chairman Bridenstine, Ranking Member Bonamici, and Members of the Subcommittee,

Thank you for the invitation to discuss the legality of the EPA's Clean Power Plan. The Clean Power Plan represents an extraordinary moment in our constitutional history. Extraordinary in scope, extraordinary in costs, and extraordinary in its intrusion into the sovereignty of the States. And all done not by this body, but by nameless, faceless, and politically unaccountable bureaucrats.

Those of you that know me well, however, know that I believe the EPA has a role to play in our republican form of government. Air and water quality issues can cross state lines, and can sometimes require federal intervention. At the same time, the EPA was never intended to be our Nation's frontline environmental regulator. The States were to have regulatory primacy. The EPA was to be a regulator of last resort. That construct, a construct put in place by this body, has been turned upside down by the current Administration.

That is why I am here today, and I'd like to start by explaining to you why I so jealously guard Oklahoma's sovereign prerogative to regulate in a way that is both sensible and sensitive to local concerns.

In Oklahoma, our air is clean, our electricity is cheap, and our unemployment rate is low. We are proud of these things. We are proud of our nation-leading innovation in wind energy and our thoughtful regulation of the energy industry, regulation that the independent reviews have described as both "well-managed" and "professional."<sup>1</sup>

We produce more wind energy than all but three states, with 17% of our electricity generated by wind, while 7.4% of the clean-burning natural gas produced in the United States comes from Oklahoma. Indeed, we are a leading innovator in natural gas production through hydraulic fracking, a technological innovation that has done more to reduce carbon emissions in this country than any other technological advancement of our time.

Just this month, the federal Energy Information Administration announced that as of 2015, the power generation industry has reduced carbon dioxide emissions to 1993 levels, 21 percent

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<sup>1</sup> See, e.g., "Oklahoma Hydraulic Fracturing State Review," available at: <http://www.occeweb.com/STRONGER%20REVIEW-OK-201-19-2011.pdf>

below 2005 levels. As EIA has concluded, it was “a shift in the electricity generation mix” away from coal and toward natural gas that drove the reductions in emissions.

This didn’t happen as a result of the heavy hand of the EPA. Rather, it happened because of fracking and the positive market forces that those sorts of Oklahoma innovations create. As natural gas becomes increasingly affordable, it becomes an increasingly attractive alternative to coal.<sup>2</sup> And because coal still accounts for 34 percent of power generation, we will continue to see market driven emissions reductions for years to come.

I tell you all this to help you understand Oklahoma’s objection to the Clean Power Plan. In all candor, of course we think the policy justifications for the plan are unpersuasive. We don’t think that government regulators should be in the business of picking winners and losers in the energy sector. But all of that is for you to decide. And therein lies our objection to the Plan: this body did not decide.

So to the members of this committee who strongly support the Clean Power Plan as a matter of policy, I say to you: pass a bill. Let democracy decide whether the Clean Power Plan is right for America. But we didn’t get democracy, we got a regulatory cramdown-- a cramdown done over the objection of no less than 29 States who believe the Plan is unlawful.

And to those who claim that the Clean Air Act unambiguously authorizes the EPA to enact the Clean Power Plan, I say to you this: if that were so, how do you explain the extraordinary, unprecedented step the United States Supreme Court took to stay the implementation of the plan? That stay was entered because five members of that court thought it likely that the Plan was unlawful.

And those five members of the Court were correct. Although this body has debated a number of bills designed to achieve the “decarbonization” policy goals of the Clean Power Plan, it has never adopted any such legislation. Frustrated with Congress, EPA now purports to have

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<sup>2</sup> Indeed, Oklahoma’s second largest utility plans to retire its last coal fired plant within 10 years, while our largest utility anticipates 30% reductions in carbon emissions as it continues to convert to natural gas.



discovered sweeping authority in section 111(d) of the Clean Air Act—an obscure provision that has been used only five times in 45 years.<sup>3</sup>

EPA’s audacious assertion of authority in this Rule is more far-reaching than any previous effort by the agency. According to EPA, section 111(d) authorizes it to use the States to impose on power plants emission reduction requirements that are premised not on pollution control measures at the regulated plants, but on reducing or eliminating operations at those plants and shifting their electricity generation to competitors--something the EPA euphemistically calls “generation shifting.”

None of this can be reconciled with the words this body enacted in section 111. Section 111(d) authorizes EPA to establish “procedure[s]” under which States set “standards of performance for any existing source.”<sup>4</sup> Those standards must reflect the “application of the best system of emission reduction” to that “source,” i.e., to a “building, structure, facility, or installation.”<sup>5</sup> In other words, EPA may seek to reduce emissions only through measures that can be implemented by individual facilities. Indeed, for 45 years, EPA has consistently interpreted section 111 standards of performance in this way—not only in the five instances in which it has addressed existing sources, but also in the more than one hundred rulemakings in which it has adopted standards for new sources.

The Rule is further barred by the fact that coal-fired electric generating units are already regulated under section 112 of the Clean Air Act. This body expressly prohibited EPA’s use of 111(d) to require States to regulate “any air pollutant ... emitted from a source category which is regulated under section [1]12.”<sup>6</sup>

Finally, the Rule violates the Constitution. Cooperative federalism programs must provide States with a meaningful opportunity to decline implementation. But the Rule does not do so; States

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<sup>3</sup> But as the Supreme Court recently said, courts should “greet ... with a measure of skepticism” claims by EPA to have “discover[ed] in a long-extant statute an unheralded power to regulate a significant portion of the American economy” and make “decisions of vast economic and political significance.” *Util. Air Regulatory Grp. v. EPA*, 134 S. Ct. 2427, 2444 (2014). That skepticism is doubly warranted here where EPA’s Rule intrudes on an “area[] of traditional state responsibility.” *Bond v. United States*, 134 S. Ct. 2077, 2089 (2014).

<sup>4</sup> CAA § 111(a)(1), (d)(1).

<sup>5</sup> CAA § 111(a)(1), (3).

<sup>6</sup> CAA § 111(d)(1)(A).

that decline to take legislative or regulatory action to ensure increased generation by EPA's preferred power sources face the threat of insufficient electricity to meet demand. The Rule is thus an act of commandeering that leaves States no choice but to alter their laws and programs governing electricity generation and delivery to accord with federal policy.

If EPA gets its way, Section 111(d) will be transformed from a limited provision into the most powerful part of the Clean Air Act, making the EPA a central planner for every single industry that emits carbon dioxide. Congress did not intend and could not have imagined such a result when it passed the provision more than 45 years ago.

Finally, there are some who wish to create a false dichotomy between those who are "for clean power" and those who are "against clean power." I urge this Committee to resist such rhetoric. We are all for clean power. And no one, no bureaucrat in DC, no environmentalist in California, has a stronger interest in clean air and clean water in Oklahoma than we do. That is the air that our children breathe and the water that our grandchildren swim in. And that is why I jealously guard my state's prerogative to craft regulations that make sense for Oklahoma. And more importantly, that is why I vigorously advocate for the rule of law, for the democratic process, and for respect for the Constitution's separation of powers between the federal government and the States.

Mr. Chairman, I again appreciate the opportunity to discuss these issues with you, and I look forward to answering any questions from the Committee.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", with a long horizontal stroke extending to the right.

E. SCOTT PRUITT

ATTORNEY GENERAL OF OKLAHOMA



**E. Scott Pruitt**  
*Attorney General of Oklahoma*

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Oklahoma Attorney General Scott Pruitt has been dubbed by nationally syndicated columnist George Will as “one of the Obama administration’s most tenacious tormentors,” and the Manhattan Institute says that he is “one of America’s most courageous opponents of federal overreach.”

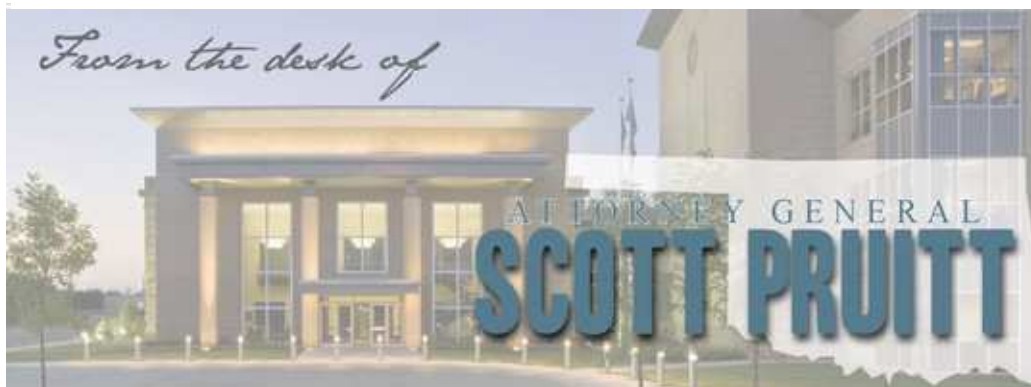
Recognized as a national leader in the effort to restore the balance of power between the states and federal government, he served two terms as the president of the Republican Attorneys General Association.

Among his several challenges to federal overreach and executive action by the Obama administration, he led a 29-state coalition who obtained an unprecedented injunction from the U.S. Supreme Court barring the EPA’s “Clean Power Plan” from going into effect. As The Wall Street Journal Board noted, “Oklahoma AG Scott Pruitt deserves particular credit for developing the federalist arguments and exposing how the Clean Power Plan commandeers states.”

Prior to being elected attorney general, he was elected to the State Senate in November of 1998, serving eight years and becoming one of the most respected and influential voices in the Senate for fiscal responsibility.

Married for over 25 years, Pruitt and his wife Marlyn have two children, McKenna and Cade.

# Exhibit A85

**ISSUE NUMBER SIXTY-NINE • May 27, 2016**

Greetings as I'm coming off a trip to our nation's Capital where I was invited to testify before a House subcommittee to discuss the EPA's Clean Power Plan and its detrimental impact on our state. It was my hope the Obama administration would have let democracy decide whether the Clean Power Plan was right for our country, but as I stated in my testimony, we didn't get democracy, we got regulatory cramdown.

We recently received positive news when the U.S. Fish and Wildlife Service finally decided to end its pursuit to list the lesser prairie chicken as an endangered species. This was a victory for Oklahoma challenging the president's efforts to get things done through the use of agencies "sue-and-settle" tactics. Take a look at the Wall Street Journal opinion piece included in this newsletter.

As we head into this Memorial Day weekend, and the "unofficial" start to summer, I wanted to share with you my summer reading list for this year. It includes a few of my favorite books as well as a few new ones I'm looking forward to adding to my library. Take a look at this list and let me know what you think of the books!

Finally, I'm hopeful we all will take time this weekend to remember those we have lost, including the many men and women who have so bravely put their lives on the line for the sake of our freedoms.

Have a blessed Memorial Day weekend -

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## **WSJ: Washington's Chicken Retreat**



Victories against the Obama regulatory juggernaut are rare, and thus all the more worthy of note. Congratulations, then, to Oklahoma Attorney General Scott Pruitt and Republicans in Congress over the U.S. Fish and Wildlife Service's decision on May 10 to drop its quest to list the lesser prairie chicken as an endangered species....[Read more »](#)

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## ***Washington Examiner:* Oklahoma attorney general says Clean Power Plan violates state sovereignty**

The Clean Power Plan infringes on the sovereignty of the states and stretches the imagination of what Congress intended in the Clean Air Act, Oklahoma's attorney general told a panel Thursday.

Oklahoma Attorney General Scott Pruitt told the House Committee on Science, Space and Technology's

Environment Subcommittee that he...[Read more »](#)

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## ***Oklahoman: Oklahoma joins lawsuit against Obama administration over transgender bathroom policy***

Oklahoma joined 10 other states on Wednesday in a lawsuit claiming the Obama administration's recent guidance on transgender bathroom policy violates the law and the U.S. Constitution.

The U.S. attorney general and other cabinet secretaries and federal officials "have conspired to turn workplaces and educational settings across the country into laboratories for a massive social experiment, flouting...[Read more »](#)

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## ***National Review: The Climate- Change Gang***

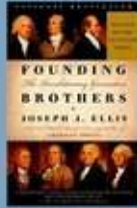
The United States was born out of a revolution against, in the words of the Declaration of Independence, an "arbitrary government" that put men on trial "for pretended offences" and "abolish[ed] the Free System of English laws." Brave men and women stood up to that oppressive government, and this, the greatest democracy of them all, one that is governed by the rule of law and not by....[Read more »](#)

## ***LISTEN: AG Pruitt Discusses Left Efforts to Silence Free Speech on Hugh Hewitt***

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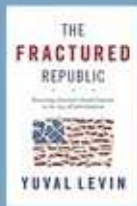
# Scott's SUMMER READING LIST



## FOUNDING BROTHERS

*Joseph J. Ellis*

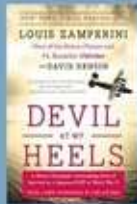
Written as a series of vignettes, *Founding Brothers* presents a unique look at our Founding Fathers, the complex challenges they faced, and how they used their great gifts to set the course for our country. Winner of the Pulitzer Prize for history, this is one of my favorite books and is always worth a re-read.



## THE FRACTURED REPUBLIC

*Yuval Levin*

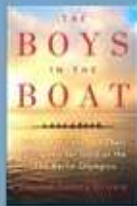
Billed as a refreshingly optimistic look at America's partisan political divide and fragmented, individualistic society, Speaker of the House Paul Ryan called it "required reading for anyone interested in saving the American Idea."



## DEVIL AT MY HEELS

*Louis Zamperini & David Rensin*

Already memorialized in American lore for the book and movie *Unbroken*, this book is Louis Zamperini's autobiography that dives into his childhood, days as an Olympian, time as a WWII POW, and the tough adjustments he made when getting home - including his transformative faith.



## THE BOYS IN THE BOAT

*Daniel James Brown*

Sons of farmers, loggers and shipyard workers, The University of Washington eight-oar crew team wasn't supposed to defeat elite east-coast universities, superior European crews, and especially not the crew team rowing for Adolf Hitler. I'm looking forward to reading about their inspirational story.



## SIMPLIFY

*Bill Hybels*

This is another of my all-time favorites that is always worth a re-read. Pastor Bill Hybels describes simplifying your life as more than just cleaning the house. He explores ways that we oftentimes make our lives more frenetic and offers steps to help declutter our souls.



## THE CONTRACT

*Derek Jeter & Paul Mantell*

I learned many life lessons on the baseball field growing up. Yankees legend Derek Jeter aims to package those same lessons with stories of his childhood playing baseball.

## OUR GREAT BIG BACKYARD

*Laura Bush & Jenna Bush Hager*





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## **Attorney General Pruitt Files Neglect, Abuse and Exploitation Charges**

Attorney General Scott Pruitt announced Friday multiple charges filed by the Medicaid Fraud Control Unit of the Attorney General's Office against residents from Catoosa, Midwest City and Hugo.

Jaclyn Lorene Wofford, 32, of Catoosa, worked as a Certified Nursing Assistant at Sequoyah Pointe Living Center in Owasso. Wofford was tasked with caring for a 95-year-old resident who was considered a fall risk when Wofford allegedly placed the resident on...[Read more »](#)

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## ***Oklahoman:* Oklahoma's attorney general says the OKC school district must provide services to kids getting mental health treatment**

The state's attorney general said this week that Oklahoma City Public Schools is "ultimately responsible" for providing on-site educational services to children receiving mental health treatment.

Attorney General Scott Pruitt gave his opinion Thursday in response to a legislator's complaint about the district's refusal to provide such services to children...[Read more »](#)

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## **Attorney General Pruitt Files**

## **Workers' Compensation Fraud Charges**

Attorney General Scott Pruitt on Monday announced workers' compensation fraud charges against William "Billy" Nichols of Oklahoma County and Johnathon H. Glover of Pontotoc County.

William "Billy" Nichols, 44, started U.S. Weed Control while he was still employed by another company. Nichols allegedly accessed the other company's records to generate fraudulent workers' compensation...[Read more »](#)

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## **Owner of Tulsa-based LLC Pleads Guilty to Violating Court Orders, Securities Fraud**

Following charges filed by the Oklahoma Attorney General's Office and the Department of Securities, Robert Eugene Tucker pleaded guilty to four felony counts involving the unlawful sale of securities in his business.

Tucker, 50, was charged with selling membership interests in his company, Romar Foods, LLC, after having been ordered by a court not to engage in the offer...[Read more »](#)

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For more information about the Oklahoma Attorney General's Office please visit [ok.gov/OAG](http://ok.gov/OAG) or call (405) 521-3921.

Oklahoma Attorney General's Office  
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# Exhibit A86



**Scott Pruitt** ✓

June 17, 2016 · 🌐

Climate alarmists do not get to dictate the terms of the debate. They'll be held accountable for their frauds. Proud to be standing with Attorney General's across the nation in fighting their legal rhetoric.



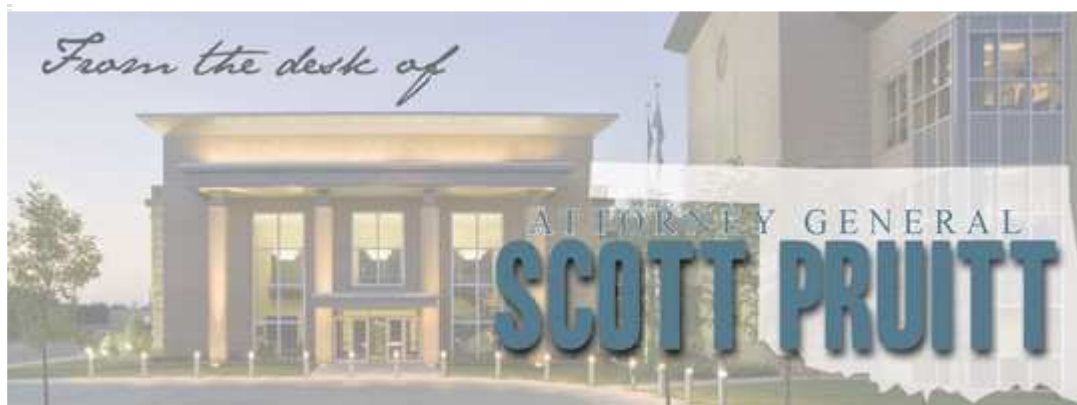
## GOP AGs warn Dems that if climate skeptics can be prosecuted for 'fraud,' so can alarmists

If Democratic attorneys general can pursue climate-change skeptics for fraud, then also at risk of prosecution are climate alarmists whose predictions of global doom...

[WASHINGTONTIMES.COM](http://WASHINGTONTIMES.COM)

# Exhibit A87

ISSUE NUMBER SEVENTY-SIX • September 26, 2016



Good Monday afternoon to you. I am currently travelling to our nation's capital to attend the long-awaited arguments in the Clean Power Plan case. As I have said many times, this is an effort I believe to be extraordinary in cost, extraordinary in scope and extraordinary as it relates to the intrusion into the sovereignty of the states. There is no state with a stronger interest in clean air than Oklahoma - and we have demonstrated that by cutting greenhouse gases without the heavy hand of the EPA. I will be sure to keep you posted as the 10th Circuit makes their decision.

Part of the duties of the Attorney General's Office is to prosecute against different types of fraud - including insurance fraud. The Oklahoman ran a great piece highlighting one of our cases. Be sure to take a look, as it is informative and demonstrates just how easy it is for scammers to take advantage of some of our most vulnerable citizens. It also proves that bad actors and fraudsters are not going to get away with their actions.

Have a blessed week -



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## ***The Hill: Obama climate rule faces critical test in court***

The pillar of President Obama's climate change agenda is going to court Tuesday, when federal judges hear oral arguments on whether the landmark regulation should be overturned.

Sixteen lawyers representing the Environmental Protection Agency (EPA) and supporters and opponents of its Clean Power Plan will make their pleas to the Court of Appeals for the District of Columbia in the complex case...[Read More](#)

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## **Attorney General Scott Pruitt Challenges U.S. Department of Labor Overtime Rule**

Attorney General Scott Pruitt on Tuesday announced Oklahoma along with 20 other states filed a complaint in federal court challenging the United States Department of Labor's new overtime rule. If implemented, the new rule will more than double the minimum salary overtime threshold for public and private workers without Congressional authorization. The impact for businesses and state and local governments is a substantial increase in their employment costs, which may force them to eliminate...[Read More](#)

### ***Oklahoman: Oklahoma joins legal challenge to federal overtime rule***

Oklahoma joined 20 other states Tuesday in a legal challenge to a federal rule making millions more white-collar workers eligible for overtime pay.

The states claim the rule, set to go into effect Dec. 1, will raise their payroll costs to the point that state services will have to be reduced.

"This is yet another example of the administration's ongoing efforts to reach beyond its constitutional...[Read More](#)

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## ***Tulsa World: AG Scott Pruitt defends revisions on state questions that some deem controversial***

Attorney General Scott Pruitt last week rebuked criticism of his revisions to four ballot measures.

Pruitt said his job is to explain the measure.

"The process is very, very important," Pruitt said. "I take it very seriously. We work hard at it."

He said critics of his revisions want the...[Read More](#)

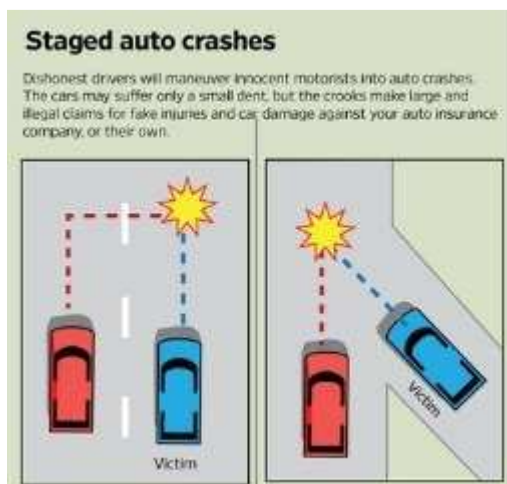
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## ***Oklahoman: Fake accidents cost insurance industry billions each year, experts say***

Whenever Doris Maxey backs out of a parking spot, she honks her horn as a warning.

"I am very cautious," Maxey, 90, said. "I honk, and I look and look, because I don't want to run over my postman."

Like always, Maxey gave a little honk while she was backing out of a parking space at CVS Pharmacy...[Read More](#)



## Attorney General Pruitt Files Multiple Insurance Fraud Charges

Attorney General Scott Pruitt on Thursday announced multiple insurance fraud charges filed in Oklahoma County.

Alma Garcia, 37, and Jose Luis Garcia, 37, allegedly reported the date of their home burglary to have happened after the date they had purchased insurance, when police reports show the burglary occurred before insurance was purchased.

The Garcias each face one count of conspiracy to commit a felony. If convicted Jose Garcia could face up to 10 years in prison and fines of up to \$10,000. Alma...[Read More](#)



*AG Pruitt was invited by Dr. Taylor's 8th grade history class at Roosevelt Middle School to discuss the role of the Attorney General and the importance of our Constitution.*

## Inhofe Praises Senate Passage of WRDA, Highlights Victories for Oklahoma

U.S. Sen. Jim Inhofe (R-Okla.), chairman of the Senate Environment and Public Works (EPW) Committee, praised the Senate passage of the Water Resources Development Act (WRDA) of 2016, which passed with a strong bipartisan vote of x to x and includes a number of provisions supporting Oklahoma's priorities.

"With strong bipartisan support, the Republican-led Senate has once again moved an economy-boosting infrastructure bill with the passage of WRDA 2016,"...[Read More](#)

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*AG Pruitt recently traveled to Sapulpa and Bristow for community-wide town hall meetings.*

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# Exhibit A88

## **Press Release**

Tuesday, September 27, 2016

### **AG Pruitt Continues Fight to Protect Rule of Law Following Clean Power Plan Arguments**

**OKLAHOMA CITY** – Attorney General Scott Pruitt released the following statement at the conclusion of a full day of oral arguments in *West Virginia v. EPA*. Attorney General Pruitt was joined outside the U.S. Court of Appeals for the District of Columbia Circuit by fellow Attorneys General, Senators and Congressmen from across the country:

“This has been a historic and consequential day as 27 states joined together to ensure the precious balance of power is preserved. This administration continues to treat states as mere vessels of federal will, abusing and disrespecting the vertical separation of powers defined by our Constitution. That is why Attorneys General, Senators and Congressmen from across the country have joined together today to maintain rule of law and checks and balances in this very process. I am committed to ensuring the ultimate payer in this matter is not overlooked – the consumers.”

###

# Exhibit A89





**Scott Pruitt** ✓

November 17, 2016 · 🌐

Over the last 6 years, I have done my part, fighting tirelessly against the Affordable Care Act, WOTUS, Immigration, and the Clean Power Plan. Which one of these should President-elect Trump tackle first?



### Trump's First 100 Days?

I have done my part to fighting against the Affordable Care Act, WOTUS, Immigration, and the Clean Power Plan. In his first 100 days in office, what should President-elect Trump focus on tackling? Take my survey and let me know!

[OKLAHOMASTRONGPAC.COM](http://OKLAHOMASTRONGPAC.COM)

# Exhibit A90



**Scott Pruitt** ✓  
@ScottPruittOK

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I've fought for 6 yrs against the ACA, WOTUS, Immigration & the Clean Power Plan. Which should [#Trump](#) tackle first?  
[oklahomastrongpac.com/100days/](http://oklahomastrongpac.com/100days/)

8:51 AM - 17 Nov 2016

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# Exhibit A91



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## DONALD J. TRUMP

*XLV President of the United States: 2017-present*

### Press Release - President-Elect Donald J. Trump Intends to Nominate Oklahoma Attorney General Scott Pruitt to Serve as the Administrator of the Environmental Protection Agency

December 8, 2016

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(New York, NY) – President-elect Donald J. Trump today announced his intent to nominate Oklahoma Attorney General Scott Pruitt to serve as the Administrator of the Environmental Protection Agency, a cabinet-level position. An expert in Constitutional law and one of the country's top attorneys general, Pruitt brings a deep understanding of the impact of regulations on both the environment and the economy making him an excellent choice to lead the Environmental Protection Agency.

"For too long, the Environmental Protection Agency has spent taxpayer dollars on an out-of-control anti-energy agenda that has destroyed millions of jobs, while also undermining our incredible farmers and many other businesses and industries at every turn. As my EPA Administrator, Scott Pruitt, the highly respected Attorney General from the state of Oklahoma, will reverse this trend and restore the EPA's essential mission of keeping our air and our water clean and safe," said President-elect Donald Trump. "My administration strongly believes in environmental protection, and Scott Pruitt will be a powerful advocate for that mission while promoting jobs, safety and opportunity."

"I am deeply grateful and honored to serve as President-elect Trump's EPA Administrator," said Mr. Pruitt. "The American people are tired of seeing billions of dollars drained from our economy due to unnecessary EPA regulations, and I intend to run this agency in a way that fosters both responsible protection of the environment and freedom for American businesses."

Mr. Pruitt will be deeply involved in the implementation of President-elect Trump's energy plan, which will move America toward energy independence, create millions of new jobs and protect clean air and water.

Mr. Pruitt will ensure that we conserve our natural habitats, reserves and resources, while unleashing an energy revolution that will bring vast new wealth to our country. Mr. Pruitt agrees with President-elect Trump that we must rescind all job-destroying executive actions and eliminate all barriers to responsible energy production. This will create at least a half million jobs each year and produce \$30 billion in higher wages.

Mr. Pruitt has been a national leader against the EPA's job-killing war on coal. As Oklahoma's Attorney General, Pruitt established the state's first "federalism unit" to combat unwarranted regulation and overreach by the federal government. Pruitt agrees with President-elect Trump that states should have the sovereignty to make many regulatory decisions for their own markets.

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# Exhibit A92

HEARING ON NOMINATION OF ATTORNEY GENERAL SCOTT PRUITT TO BE  
ADMINISTRATOR OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY

Wednesday, January 18, 2017

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 10:00 a.m. in room 406, Dirksen Senate Office Building, the Honorable John Barrasso [chairman of the committee] presiding.

Present: Senators Barrasso, Carper, Inhofe, Capito, Boozman, Wicker, Fischer, Moran, Rounds, Ernst, Sullivan, Cardin, Sanders, Whitehouse, Merkley, Gillibrand, Booker, Markey, Duckworth, and Harris.

Also Present: Senator Lankford.

STATEMENT OF THE HONORABLE JOHN BARRASSO, A UNITED STATES SENATOR FROM  
THE STATE OF WYOMING

Senator Barrasso. Good morning. I call this hearing to order.

We have quite a full house today. I welcome the audience. This is a formal Senate hearing, and in order to allow the Committee to conduct its business, we will maintain decorum. That means if there are disorders, demonstrations by a member of the audience, the person causing the disruption will be escorted from the room by the Capitol Police.

Since this is our first hearing of this session, I would like to welcome our new members, Senators Jerry Moran, Joni Ernst, Tammy Duckworth and Kamala Harris. Thank you very much and congratulations in joining the Committee.

I would also like to welcome Senator Tom Carper in his new role as the Ranking Member of the Committee. You are here, even if you have a scratchy throat, 40 years from when you were Treasurer of Delaware, member of Congress, governor, member of the U.S. Senate. Have not missed a day. You are Cal Ripken, Jr. and the iron man. So thanks for being here. Thank you. I look forward to working with you.

He deserves applause.

With regard to procedure, we will follow the early bird rule in terms of the order of member questions. Members who were here at the start, as you all are, will be placed in the line based on your seniority on the Committee. Members who arrive after the hearing has started will be added to the line in the order they arrive.



Senator Barrasso. Senator Wicker.

Senator Wicker. Thank you, Mr. Chairman and Mr. Ranking Member. I think it has been a good hearing so far. I think we have a lot of information that will be reassuring to the American people.

One thing I do object to, though, is something that has happened for years since I have been a member of this Committee, and that is somehow to list political contributions and suggest that somehow they make an individual suspect or not qualified. My dear friend from Rhode Island showed a poster and showed some contributions and suggested that based on those contributions from companies like Southern Company, for example, who has contributed to my campaign, that his appropriateness for the job should be challenged.

So I am glad that the Chairman had added to the record this article from September 6 from the Washington Street Journal, September 6 of last year, pointing out the Democratic presidential candidate, Hillary Clinton, raised significantly more money than Donald Trump from the oil and gas industry. Individuals who worked for oil and gas companies donated \$149,000 to Mr. Trump's GOP campaign as of the date of July 30, compared with \$525,000 to Mrs. Clinton.

Mr. Chairman, I am glad you put this in the record, and presumably, based on that argument, Hillary Clinton would be suspect, were she to have been nominated for the position of heading the EPA.

Now, Mr. Attorney General, let's talk about States as partners. And I enjoyed your exchange with Senator Cardin about the Chesapeake Bay program. As I understand, you actually applaud the Chesapeake Bay

program, and particularly the way the EPA worked with States as partners, is that correct? And could you enlarge on that?

Mr. Pruitt. Senator, I absolutely applaud the effort by the States to join together in a six-State coalition to address the quality of the Chesapeake Bay's water quality. That is what we did in Arkansas, Oklahoma and Arkansas did with the scenic Illinois River that has already been talked about with Senator Boozman and others. So I think the effort that they engaged in was something that other States ought to model, and the EPA came alongside and took that TMDL and is providing assistance to those six States with respect to that agreement.

Senator Wicker. Now, with regard to the Clean Power Plan and the Waters of the United States rules, where did those regulations go wrong in this respect?

Mr. Pruitt. Well, with respect to the Clean Power Plan, in the cases, the Supreme Court has actually said -- it was an unprecedented step that the Supreme Court took. Never in history had the Supreme Court issued a stay against a rule like the Clean Power Plan, and they did so because of the likelihood of success on the merits, in the sense that the Clean Power Plan did not reflect the authority of Congress given to the EPA to regulate CO2. As an example, with respect to power generation, there has to be a significant finding that poses risk to public health and welfare. They did not do that. They did not go through the proper processes of inside the fence and regulations of facilities, power generation facilities.

So those matters, Senator, are about rule of law. And the same is true with the Waters of the United States rule.

Senator Wicker. And I have not delved into this as an attorney, as you have, but I can tell you that the Department of Environmental Quality in my State told me very emphatically that the Clean Power Plan would put us out of business because we would not have had an alternative to the coal that we use. So I hope we can continue to make progress on this issue.

Let me ask you about wood products. The Federal Government buys a lot of lumber, uses a lot of wood in construction and procures a lot of wood. There are standards certifying that the forests are appropriate. One is the American Tree Farm System; another is the Sustainable Forestry Initiative.

EPA seems to like a certification program called the FSC, the Forest Stewardship Council. Problem is, with this certification program, it excludes 90 percent of the lumber grown in the United States of America.

We have had a lot of activity on both sides of the aisle in challenging this, and I object also to a so-called interim recommendation made by EPA in this regard. As far as I am concerned, it is discrimination against domestic wood, and now they have come back and told us that this interim recommendation is under review.

Could you comment about both of these, the idea of an interim recommendation being imposed on an entire industry and also give us any thoughts you have about using the Forest Stewardship Council

it creates the kind of uncertainty that you are talking about. People don't know what is expected of them, and paralysis happens.

And so rule of law is important to economic development, it is important to send messages of certainty, it is important so that people can plan and allocate resources. There are many laws that people look at and say, I don't really like that. So long as they know what is expected of them, they can plan and allocate resources to comply. I think that is what is important about rule of law.

Senator Sullivan. And as one of the lead litigators on the WOTUS rule and the Clean Power Plan and the fact that the Supreme Court and the Sixth Circuit have put stays on those rules, what do you think that indicates the courts' view is of those two rules issued by the EPA at this moment?

Mr. Pruitt. Well, it is unprecedented for the Supreme Court to have done what they did in the Clean Power Plan.

Senator Sullivan. Never happened in the history --

Mr. Pruitt. Never happened in the history of jurisprudence before the U.S. Supreme Court. That says a lot.

Senator Sullivan. Thank you, Mr. Chairman.

Senator Barrasso. Thank you very much. Senator Moran?

Senator Moran. Mr. Chairman, I yield to somebody ahead of me if they would yield back to me for the next question.

Senator Barrasso. That would be fine. I have some time that I haven't gotten to yet in this second round. We will go shortly to a third round.

I wanted to talk a little about the Mercury Rule that the Supreme Court overturned. They overturned the EPA's Mercury Rule, finding that the EPA did not appropriately consider the costs of the rule. Noting that between the time that the rule is issued and the Supreme Court decision, three years passed, the EPA Administrator Gina McCarthy was on a television show a couple days before the Supreme Court made its ruling, and they said, well, what if the Supreme Court says you are wrong? And essentially, she said, well, the majority of the power plants have already decided and invested in a path, because it is been three years, to achieve compliance with the Mercury Air Toxic Standards. In other words, she had already gotten her result, even though what she had done was found by the courts to be illegal.

So I would ask you your thoughts on her statement, and do you believe that her statement shows respect for the rule of law?

Mr. Pruitt. Well, Senator, this is speculation to a certain degree, and one of my favorite philosophers is Yogi Berra, and he said, "Predictions are pretty tough, particularly about the future." So I don't want to be too speculative here. But when you look at the response of the Supreme Court and the Clean Power Plan, I think largely the reason they acted in an unprecedented way is because of what you just addressed, Mr. Chairman, that in response to the Michigan and the EPA case, there were some comments made that they had achieved the outcome, despite the fact that it acted inconsistent with the framework under the law.

So I think rule of law is something, as I indicated to Senator Sullivan, it is not something that is academic. I think it is

meaningful. It inspires confidence in those that are regulated. It gives them assurance that regulators are acting consistent with their authority, and it allows them to plan and allocate resources to meet the standard and meet the objectives that Congress and regulators established.

Senator Barrasso. Senator Moran?

Senator Moran. Mr. Chairman, thank you very much.

General, you can see by where I sit on the dais that I haven't been in the Senate a terribly long time. But one of my causes, upon my arrival and the discovery of how the Senate works is to try to work with my colleagues to reassert Congressional authority. In my view, there is a number of ways we could do that. One, Congress could quit passing huge pieces of legislation and delegating authorities to agencies and departments. Another one that we could pursue, and I hope we will this year, is an appropriations process, by which we have the opportunity to influence decisions made at the Environmental Protection Agency and every other agency and department.

One of the things, when we do that by developing a relationship with an agency head, knowing that, and I guess part of that is that members of Congress need to have greater levels of expertise on the subject matter of their jurisdiction. One of the subcommittee I chair is in the Commerce Committee. It has jurisdiction over the National Highway Traffic Safety Administration. The Environmental Protection Agency just last week finalized its greenhouse gas standards for light duty cars and trucks for 2022 to 2025.

Senator Barrasso. I want to thank all the members of the committee for your patience. I certainly want to thank the nominee for his time and his testimony today. The hearing is adjourned.

[Whereupon, at 4:55 p.m., the hearing was adjourned.]

# Exhibit A93



**Senate Environment and Public Works Committee**  
**Hearing entitled, “Nomination of Attorney General Scott Pruitt to be**  
**Administrator of the U.S. Environmental Protection Agency”**  
**January 18, 2017**  
**Questions for the Record for the Honorable E. Scott Pruitt**

**Senator Booker:**

1. For many years I have worked with the EPA on the Passaic River superfund clean-up project in my home city of Newark. In 2016, the EPA announced an historic plan to remediate the Passaic River from toxic chemicals, PCBs, and other contaminants that resulted from the production of Agent Orange. The project will remove 3.5 million cubic yards of toxic sediment from the lower eight miles of the Passaic River in New Jersey—the largest environmental dredging project in the history of the federal Superfund program.

a. If confirmed do you commit to make implementation of the Passaic River cleanup project a priority?

b. If confirmed do you commit to carrying out the EPA Region II March 3, 2016 “Record of Decision” for the Lower 8.3 miles of the Lower Passaic River in a timely and efficient manner?

**I am not familiar with the details of the remedy that has been selected for the Passaic River Superfund site, but if confirmed, I expect to make clean up of contaminated sites one of my priorities and will seek input from Congress and relevant stakeholders before taking action in this matter.**

2. As the former Mayor of Newark, I have seen how low-income and minority communities living in close proximity to the port of Newark are exposed to high levels of air pollution resulting in serious health problems. Across the nation 13 million people—3.5 million of whom are children—live near major marine ports or rail yards. What is your plan to address the pressing environmental justice concerns regarding poor air quality near major seaports and other congested nodes in our nation’s freight network? I have been a champion of the bipartisan Diesel Emissions Reduction Act (DERA) Program that helps replace diesel engines and helps make major sea ports and inland transportation hubs cleaner and more efficient. If confirmed can you commit to supporting the DERA program?

**As I committed to you during the meeting in your office, I understand there are wide ranging variety of environmental justice issues affecting urban and rural America. In fact, as you will recall, I've committed to work with your office and visit impacted areas with you. I am also aware that the Diesel Emissions Reduction Act Program has received bipartisan support from**

**Senator Cardin:**

1. Please provide your definition of EPA's "activist agenda" as stated on your professional biography on the State of Oklahoma's official website. Please provide a list of all environmental laws and regulations that you consider to comprise the federal agency's "activist agenda" and how each environmental law or regulation listed in response to this question meets this definition.

**I firmly believe that the EPA has a vital role, but it must do so within the bounds of its legal authority. The actions undertaken by the Office of Attorney General have been out of concern that EPA had exceeded its legal authority in those specific actions, not out of animosity toward the mission of the Agency or any specific regulation or statute. Regulations that are not on solid legal foundation and that cannot survive judicial review will not result in environmental protections.**

2. For what purpose other than to handle the State of Oklahoma's legal challenges against the EPA did you create the Federalism Unit and defund the Environmental Protection Unit?

**The Federalism Unit within the Attorney General's Office serves to protect the State of Oklahoma's sovereign interests in our republican form of government, with a particular focus on issues related to the vertical and horizontal separation of powers demanded by our Constitution. It is headed by the Solicitor General. With regard to the environmental protection unit, it is misleading to say that it was "defunded." Consistent with the practice of every Attorney General save one, I determined that a standalone unit was operationally inefficient. I opted to combine the Environmental Protection Unit and the Consumer Protection Unit into a single unit called the "Public Protection Unit." The Public Protection Unit continued the work of the Environmental Protection Unit, and that work continues to this day, headed by the very same attorney who worked in the Environmental Protection Unit under the prior Attorney General.**

3. Do you intend to create a Federalism Unit within the EPA similar to Oklahoma's? Explain why or why not.

**My understanding is that the Department of Justice, working in coordination with the EPA Office of General Counsel, represents EPA in litigation, and would thus serve to protect such federalism related interests.**

4. Would you support budget cuts to the EPA in similar scope (10% or higher) to those made to Oklahoma Department of Environmental Quality appropriations since FY2009<sup>1</sup>?

**I am not familiar with Oklahoma Department of Environmental Quality's budget. I have no first-hand knowledge of EPA's development of its FY 2018 budget request. If confirmed, I look forward to working with EPA's budget staff and program offices and officials with the Office of Management and Budget on EPA's request. I will work to ensure that the limited resources appropriated to EPA by Congress are managed wisely in pursuit of that important mission and in accordance with all applicable legal authorities.**

5. Of the lawsuits filed against the EPA in which you participated personally and substantially as Attorney General for Oklahoma, do you intend to recuse yourself from decision making regarding litigation in which you represented the State of Oklahoma as an adversarial party? Do you intend to recuse yourself for the entirety of each case?

**As a lawyer, I am bound by the rules of professional conduct not to "switch sides" in any litigation in which I represented the State of Oklahoma, unless my former client gives its informed consent.**

6. Do you believe the State of Oklahoma and the EPA should be regarded as the same or different "clients" for conflicts of interest purposes? Explain why or why not.

**The State of Oklahoma and the federal government are separate sovereign authorities; representing one does not entail representing the other. In addition, while the State of Oklahoma has been my client as a lawyer during my service as Attorney General, if confirmed as EPA Administrator I will not be acting as a lawyer with clients.**

7. The American Bar Association (ABA) Model Rules of Professional Conduct, Rule 1.1, Special Conflicts Of Interest for Former and Current Government Officers and Employees, Comment 5 discusses the balancing of interests. On the one hand, where the successive clients are a government agency and another client, public or private, the risk exists that power or discretion vested in that agency might be used for the special benefit of the other client. A lawyer should not be in a position where benefit to the other client might affect performance of the lawyer's professional functions on behalf of the government. Also, unfair advantage could accrue to the other client by reason of access to confidential government information about the client's adversary obtainable only through the lawyer's government service. In the spirit of Rule 1.11, what previous lawsuits

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<sup>1</sup> [http://okpolicy.org/wp-content/uploads/2016\\_Budget\\_Highlights.pdf?997616#page=7&x42044](http://okpolicy.org/wp-content/uploads/2016_Budget_Highlights.pdf?997616#page=7&x42044)

might affect your performance of the Administrator's professional functions on behalf of the EPA?

**Because I will follow the guidance of ethics officials and my own professional responsibilities in determining whether and how to participate in a particular matter, I do not expect any previous lawsuits to adversely affect my performance as EPA Administrator if confirmed.**

8. On the other hand, the rules governing lawyers presently or formerly employed by a government agency should not be so restrictive as to inhibit transfer of employment to and from the government. The government has a legitimate need to attract qualified lawyers as well as to maintain high ethical standards. Thus a former government lawyer is disqualified only from particular matters in which the lawyer participated personally and substantially. The provisions for screening and waiver in paragraph (b) are necessary to prevent the disqualification rule from imposing too severe a deterrent against entering public service. The limitation of disqualification in paragraphs (a)(2) and (d)(2) to matters involving a specific party or parties, rather than extending disqualification to all substantive issues on which the lawyer worked, serves a similar function. Please provide a list of federal lawsuits filed against the EPA in which you participated personally and substantially as Attorney General for Oklahoma.

**As Attorney General of Oklahoma, I have participated personally and substantially in the following suits against the EPA:**

- **EME Homer City Generation v. EPA, No. 12-1182 (U.S.S.C.)**
- **Michigan v. EPA, No. 14-46 (U.S.S.C.)**
- **Murray Energy Corp. v. EPA, Nos. 14-1112, 14-1151 (D.C. Cir.)**
- **Murray Energy Corp. v. EPA, Nos. 15-1385, 15-1392, 15-1490, 15-1491 & 15-1494 (D.C. Cir.)**
- **Oklahoma v. EPA, Nos. 12-9526, 12-9527 (10th Cir.)**
- **Oklahoma ex rel. Pruitt v. EPA, No. 16-5038 (10th Cir.).**
- **Oklahoma ex rel. Pruitt v. McCarthy, No. 15-cv-369 (N.D. Okla.).**
- **Oklahoma v EPA, No. 13-cv-00726 (W.D. Okla.)**
- **West Virginia v. EPA, No. 14-1146 (D.C. Cir.)**
- **West Virginia v. EPA, No. 16-1264 (D.C. Cir.)**

9. Do you accept a screen is appropriate for EPA strategic decisions specific to those lawsuits in which you represented an adversarial party? Explain why or why not.

**I will consult with relevant ethics officials and review relevant rules of professional conduct to determine whether a screen is appropriate in a particular matter.**

10. Comment 5 discusses a lawyer who moves between different government entities. When a lawyer has been employed by one government agency and then

moves to a second government agency, it may be appropriate to treat that second agency as another client for purposes of this Rule, as when a lawyer is employed by a city and subsequently is employed by a federal agency. However, because the conflict of interest is governed by paragraph (d), the latter agency is not required to screen the lawyer as paragraph (b) requires a law firm to do. The question of whether two government agencies should be regarded as the same or different clients for conflict of interest purposes is beyond the scope of these Rules. Do you believe two government agencies—the State of Oklahoma and the EPA—should be regarded as the same or different “clients” for conflicts of interest purposes? Explain why or why not.

**As explained above, the State of Oklahoma and the federal government are separate sovereign authorities. While the State of Oklahoma was my client as a lawyer, if confirmed as EPA Administrator I will not be acting as a lawyer with clients.**

11. How might the spirit of Rule 1.11’s conflicts of interest provisions apply if those government entities were adversarial parties to a lawsuit?

**If two government entities are adversarial parties to a lawsuit, then under ABA Model Rule 1.11 a lawyer’s previous representation of one entity in the litigation will preclude his later representation of the other entity in the same litigation, unless the former client gives its informed consent. As explained above, if confirmed as EPA Administrator I will not be acting as a lawyer with clients.**

12. ABA Rule 1.7 Conflict Of Interest: Current Clients provides that a “lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if the representation of one client will be directly adverse to another client; or there is a significant risk that the representation of one or more clients will be materially limited by the lawyer’s responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.” In the spirit of Rule 1.7, do you reasonably believe that you will be able to provide competent and diligent leadership to the EPA, an agency you “don’t like” and have sued several times? Explain why or why not.

**I will provide diligent and competent leadership to the EPA if confirmed as Administrator. As I explained in my testimony to the Committee, I am a firm believer in the EPA’s mission to protect the environment and look forward to the opportunity to lead the agency to help provide our future generations with a better and healthier environment.**

13. Please explain how your litigation position in each case is or is not at odds with the mission of the EPA, to protect human health protect human health and the environment—air, water, and land.

**The EPA's mission is defined by the laws passed by Congress granting it the authority to act. Any action by the EPA that exceeds the authority granted to it by Congress, by definition, cannot be consistent with the Agency's mission. In each case filed against the EPA, in the view of the State of Oklahoma, the EPA had acted in excess of the authority granted to it by Congress.**

14. Do you accept that EPA, state, local and tribal agencies work together to ensure compliance with environmental laws passed by Congress, state legislatures and tribal governments?

**I agree it is essential for the federal government, state governments, and tribal governments to work together to provide the environmental protection that our laws demand and that the American people deserve. As I explained in my testimony to the Committee, I strongly support cooperative federalism. If confirmed, I will make every effort to partner with the EPA's counterparts in state, local, and tribal governments to further these goals.**

15. In 2005, former Attorney General Drew Edmondson filed a federal lawsuit in 2005 seeking to prohibit the spreading of chicken waste over land in the Illinois River Basin in northeastern Oklahoma. Companies named in *State of Oklahoma v. Tyson Foods Inc.* (No. 4:05-cv-00329) include Tyson Foods Inc., Tyson Poultry Inc., Tyson Chicken Inc., Cobb-Vantress Inc., Cal-Maine Foods Inc., Cargill Inc., Cargill Turkey Production L.L.C., George's Inc., George's Farms Inc., Peterson Farms Inc., Simmons Foods Inc., Cal-Maine Farms Inc. and Willow Brook Foods Inc. On December 9, 2015, the State of Oklahoma filed brief amici curiae along with 21 other states in support of the petitioners in *American Farm Bureau Federation v. EPA* (No. 15-599). The *Tyson Foods* defendants did not participate in the Bay TMDL lawsuit, and the American Farm Bureau was not a party to the Oklahoma suit. However, Tyson Foods Inc., headquartered in Springdale, Arkansas—the largest poultry producing company in the world—is a member of the Arkansas Farm Bureau. Do you accept that the American Farm Bureau, a national organization, represents the interests of the Arkansas Farm Bureau and its members, including Tyson Foods? Explain why or why not.

**It is my understanding that the American Farm Bureau Federation is a distinct corporate entity from the Arkansas Farm Bureau, which is a distinct corporate entity from Tyson Foods. Accordingly, I do not believe one can ignore corporate form and conflate the American Farm Bureau Federation with either the Arkansas Farm Bureau or Tyson Foods. I observe that the Pennsylvania Farm Bureau filed suit against EPA in the challenge to the Chesapeake Bay TMDL on its own behalf, notwithstanding the fact that American Farm Bureau Federation also was a plaintiff.**

16. In 2013, despite the lack of a verdict in the *Tyson Foods* case, you added the State of Oklahoma to the American Farm Bureau/poultry industry backed lawsuit

**It would be inappropriate for me to prejudge an issue that may come before me for decision if I am confirmed as Administrator. If the issue comes before me, I will ensure that the issue is fully and fairly considered with input from staff, as part of a transparent process that seeks input from stakeholders, and that is consistent with EPA's statutory authorities.**

87. Do you trust the analysis, concerns and recommendations of security experts at the State Department, Department of Defense, Central Intelligence Agency, The Navy War College, UN Security Council, and the World Bank, who have expressed growing concerns over the threat climate change poses to national and global security?

**I have no reason to disagree with the statements from the listed security experts, although I have not made any attempt to independently verify their accuracy.**

88. U.S. national security experts that are working to incorporate climate modeling and climate change assessments into our national security planning apparatus rely on sound scientific analysis, modeling data, and technical assistance from the EPA in interpreting the data. Will you commit to continuing EPA's engagements with the agencies and departments responsible for protecting our national security and advancing our understanding and preparedness for the security risks climate change poses to the United States?

**Interagency cooperation is very important. If I am confirmed as Administrator, I will collaborate with any agency or department that may require the EPA's technical expertise to strengthen their own administrative actions.**

89. What assurances can you provide the public, particularly vulnerable communities at greatest risk from pollution, that you will represent their interests fairly as administrator when your personal political campaigns, as well as organizations that you have held leadership positions within - like the Republican Attorneys General Association, has received hundreds of thousands of dollars in contributions from the fossil fuel industry because of your working championing their interests by challenging laws regulating these industries?

**As I explained in my testimony to the Committee, I am a firm believer in the EPA's mission to protect the environment and look forward to the opportunity to lead the agency to help provide our future generations with a better and healthier environment for all Americans.**

90. You have lost many of the lawsuits challenging EPA's authorities, including the Chesapeake Bay TMDL and the lawsuit challenging the endangerment finding on greenhouse gases. Given the difficulty you've had winning cases, what

assurances can you provide the committee of your sound judgment when it comes to understanding our nation's environmental statutes?

**As Attorney General of Oklahoma, my focus has been on examining federal environmental statutes and relevant case law to evaluate the legality of the EPA's actions and the impact of those actions on Oklahoma. Oklahoma filed a friend of the court brief with the U.S. Court of Appeals for the Third Circuit in part to inform the court how EPA's interpretation of TMDL and other matters involved in the challenge would impact other states, including Oklahoma. If I am confirmed, I will apply those lessons which I have developed in the performance of my duties as Attorney General and would continue to do so if confirmed as Administrator.**

91. Will you work with all stakeholders and the State Department on execution of the Kigali Amendment to the Montreal Protocol to phasedown hydrofluorocarbons (HFCs) and will you commit to ensuring that any actions EPA may take to modify or rescind the Safe New Alternatives Program (SNAP) rules on HFCs coincide with the U.S.'s acceptance or ratification of the Kigali Amendment?

**Should the State Department decide to advance the Kigali Amendment to the Montreal Protocol and if I am confirmed as Administrator, I will work with all involved agencies and impacted stakeholders to ensure that EPA's actions related to hydrofluorocarbons (HFCs) are coordinated accordingly.**



**Ranking Member Carper:**

1. Please list all public speeches or presentations you have made that included references to any issue related to energy or the environment since 1998, and please provide copies (written, audio, or video) of any such speeches or presentations. Please also indicate whether you received compensation for any such speech or presentation (whether stipend, travel, lodging expenses, or other form of remuneration) along with the name of the entity that provided such compensation and the amount thereof.

**Please see attached list of speeches and enclosed copies of speeches in response to this request.**

2. Please provide a list of the skills and experiences you bring to the EPA Administrator position and why you believe that you would be a good fit for the position.

**I am a licensed attorney with significant experience in constitutional law, the Administrative Procedure Act, and Environmental Protection Agency administered statutes. This body has recognized my expertise in EPA related matters on several occasions, inviting me to testify before this and other committees on matters relating to the EPA. My legal education and profession has trained me to ask probing questions and think critically regardless of the subject.**

3. Please define the Environmental Protection Agency (EPA)'s mission and the role you believe that sound science plays in fulfilling that mission.

**The mission of EPA is to protect human health and the environment. Where Congress directs the EPA to act based upon scientific findings, the EPA should rely on well-reasoned, and sound, scientific findings.**

4. In a 2006 article in The Oklahoman, you were described as someone that "believes in negotiating, but not compromising." Do you feel this continues to be an accurate description of you? If so, why? Do you agree with President Nixon's articulation of the principal roles and functions of the EPA? If you do not agree, please explain the aspects with which you disagree and why.

**Based on the limited information provided in the question, I am uncertain about the article to which the question refers. The content and context of**

**reviewed any potential legislation which may reject these new standards. If I am confirmed, I will thoroughly review any resolution of disapproval which may be filed pursuant to the Congressional Review Act on this issue.**

58. Mr. Pruitt, the Clean Air Act recognizes that air pollution does not respect state boundaries and directs EPA to set minimum national standards to protect the health of the nation, including protecting downwind states.

- Do you agree that EPA should set minimum national standards?
- Do you agree that EPA must protect downwind states?

**As I indicated during my nomination hearing, I believe the Cross State Air Pollution Rule is important and should be enforced by the EPA. An upwind state that contributes to a downwind state's nonattainment should take responsibility for that contribution.**

59. Mr. Pruitt, my State of Delaware is a downwind state, and most of the air pollution in my state is coming from upwind states.

- Do you agree that it is EPA's role to ensure equity between where air pollution is produced and where it is received?
- Do you agree that to remedy this unfairness, the upwind states must do more to control their emissions to avoid exporting the pollution (and the costs to the health and welfare) to the downwind states?

**As I indicated during my nomination hearing, I believe the Cross State Air Pollution Rule is important and should be enforced by the EPA. An upwind state that contributes to a downwind state's nonattainment should take responsibility for that contribution.**

60. As you are well aware, on April 2, 2007, in *Massachusetts v. EPA*, 549 U.S. 497 (2007), the Supreme Court determined that sufficient information existed then for EPA to make an endangerment finding with respect to the combined emissions of six greenhouse gases from new motor vehicles and new motor vehicle engines under CAA section 202(a). On December 7, 2009, the Administrator determined that those gases/sources contribute to greenhouse gas pollution that endangers public health and welfare. How do you plan to execute your legal authority to protect the public health and welfare from greenhouse gas pollution?

**The Supreme Court held that GHGs are an air pollutant under the Clean Air Act. It did not address the question of whether regulation of GHGs under the Clean Air Act is warranted. In the subsequent UARG decision, the**

**Supreme Court cautioned EPA that there are significant limits on EPA's authority to regulate GHGs under the Clean Air Act. The unprecedented Supreme Court stay of EPA's so-called "Clean Power Plan" was predicated upon a finding that the plaintiffs in the case were likely to prevail on the merits. In light of these holdings, I will hew closely to the text and intent of the Clean Air Act when considering further regulation of GHGs under that law if confirmed as Administrator.**

61. Building off Congress's work on CAFE, the Obama Administration has updated emission standards for light and heavy-duty vehicles. These rules have had very little effect on the purchase price of new vehicles, but have saved consumers millions of dollars in fuel costs, vastly improved our energy security by slowing petroleum use and reduced a lot of pollution. If confirmed, do you support further strengthening vehicle emission standards? And with your federalism view, how do states address carbon pollution from vehicles themselves?

**In making each of its decisions regarding light- and heavy-duty vehicle emission standards, the EPA has made decisions based on the administrative record at hand and Congress's statutory objectives. If confirmed, I would take care to make such decisions regarding vehicle emissions standards in furtherance of Congress's statutory objectives, based on the evidence in the administrative record. With respect to federalism, the Supreme Court stressed in *Massachusetts v. EPA* that States play a crucially important role in promulgating vehicle emission standards under the Clean Air Act: each "State has an interest independent of and behind the titles of its citizens, in all the earth and air within its domain." To that end, "Congress has ordered EPA to protect [the States and their people] by prescribing standards applicable to the 'emission of any air pollutant from any class or classes of new motor vehicle engines, which in [the Administrator's] judgment cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare.'" Furthermore, the Clean Air Act and other federal administrative laws give each affected State "a concomitant procedural right to challenge the rejection of its rulemaking petition as arbitrary and capricious," and the Supreme Court affords States "special solicitude" to challenge the resulting standards in court. If confirmed, I would take care to ensure that States continue to play a central role in the administrative process giving rise to the EPA's vehicle emissions standards.**

62. The EPA promulgated phase two of the heavy-duty vehicles greenhouse gas emissions standards in August 2016, which is within the time period for the rule to be subject to the Congressional Review Act (CRA). As Administrator, would you support the President signing into law a CRA resolution of disapproval that would

**organization of the attorneys vested with those responsibilities, because I concluded (consistent with the practices of every attorney general in the State's history but for my immediate predecessor) that it was not operationally efficient to have a separate unit for such work. Thus, I chose to house that work in the Office's Public Protection Unit and then later in the Solicitor General's Unit. As I explained in my testimony to the committee, my office continues to pursue environmental cases. I do not possess lists of cases pursued by my predecessor so I cannot provide the comparative that you request. I am aware that many environmental cases take many, many years to litigate to completion, so some of the actions that my Office continues to pursue were initiated prior to my taking office. Please see attached list of cases.**

139. In your cases against the EPA's Mercury and Air Toxics Rule, who served as your scientific advisor for the case?

**The Office of Attorney General does not have a science advisor.**

140. Please provide your definition of cooperative federalism.

**Cooperative federalism occurs when the federal government works cooperatively with state and local governments to address issues of national concern. Federalism is not cooperative when the federal government mandates or coerces state and local governments into effectuating federal policies.**

141. Provide examples of times the EPA has intervened and required a state to do more than the state intended and you supported the EPA's actions.

The water quality crisis in Flint is one where EPA should have acted faster in accordance with its legal authorities in consultation with the State.

142. You are quoted in an interview this past November saying "we hope there is going to be regulatory rollback...Well when you look at the EPA, and the role it's played over the last several years, there's going to be substantial change in that agency." Which EPA regulations do you believe should be rolled back? What changes do you believe should occur in the EPA? Which EPA regulations should be maintained?

**Based on the limited information provided in the question, I am uncertain what interview it is referring to. However, if confirmed as Administrator, I**

**will take my responsibility to protect human health and the environment for all Americans with the highest possible dedication and commitment. The actions undertaken by the Office of Attorney General challenging certain EPA regulations have been because EPA exceeded its legal authorities as established by Congress and interpreted by the courts. Regulations that are not on solid legal foundation and that cannot survive judicial review will not result in environmental protections.**

143. In your testimony before the Senate Environment and Public Works Committee in May 2015, you stated that the EPA “has played an important role in addressing water and air quality issues that transverse state lines.” Since you became attorney general, hasn’t your state sued against EPA regulations that address cross-state air and water pollution? What are the most significant sources of interstate pollution and what are the most important actions the EPA can take to address them?

**As my testimony indicates, I firmly believe that the EPA plays an important role in addressing interstate water and air quality issues, but it must do so within the bounds of its legal authority. The actions undertaken by the Office of Attorney General challenging certain EPA regulations have been because EPA exceeded its legal authorities as established by Congress and interpreted by the courts.**

144. Do you believe the EPA has, in your words “exceeded the constraints placed upon the agency by Congress” by issuing the Mercury and Air Toxics Rule? If so, please explain.

**Based on the limited information in the question, the source or context of the quote to which the question refers is not readily apparent. Twenty one states filed a petition with the Supreme Court to review EPA’s Mercury Air Toxics Standards. The Supreme Court held that the EPA was required to consider costs as part of its decision whether to regulate power plants under section 112. I agree with the Supreme Court’s conclusion.**

145. Do you support states taking further public health protective actions beyond those required by EPA regulations?

**Yes—if authorized under the law and not preempted or displaced by federal law.**

**Senator Markey:**

1. There is tremendous diversity across states in this country, and occasionally states have differences of opinion on how to approach a problem. One of the roles of the federal government is to be an arbiter among states.

- What is your philosophy on how interstate pollution conflicts should be handled?
- Should a state be able to pollute a river for which another state relies on for drinking water?
- What is the EPA's role in resolving interstate pollution conflicts?
- How would you determine when EPA should be involved in interstate pollution disputes?

**As I testified in the hearing, I have pursued opportunities to address interstate environmental quality matters. One of the examples I have highlighted is the work that Arkansas Attorney General Dustin McDaniel and I took to address an enforceable water quality standard between Arkansas and Oklahoma. I have also discussed how Texas should be responsible when air quality issues affect Oklahoma and my experience with that. When negotiations among and between states breakdown EPA has a role to set environmental standards. However, that is should be a last course of action instead of the first. I believe environmental statutes are designed with states as a primary implementer. Environmental statutes envision that states have the delegated enforcement and primacy to implement and enforce environmental statutes. Only when that is not happening or when negotiations between and among states breakdown should EPA determine a dispute and only after attempting to assist states negotiate a local solution. I am fond of saying that we need national standards and neighborhood solutions. I think that should shape the work of the EPA.**

2. During the hearing, you repeatedly underscored the need to make regulation "regular" for regulated entities.

- How do you reconcile that goal with the mission of EPA, which is "to protect human health and the environment"?
- If confirmed as EPA Administrator will your highest priorities be to protect human health and the environment?

**As I testified, I believe in the rule of law and that process matters. I do not view these as being contrary to EPA's mission to protect human health and the environment.**

15. Some of the legal cases that you brought against the agency remain open, and there may be legal decisions that require EPA regulatory action as they are resolved; for example, a court could uphold the EPA regulation and require it to be enforced, or a court could direct such a regulation's revision. Since such regulatory actions would be a direct consequence of the litigation, any conflict of interests associated with your participating in the legal matter should extend to any EPA regulatory or enforcement action taken as a result of court action on the litigation. Do you agree to recuse yourself without waiver and for the entirety of your tenure at the EPA from all such regulatory or enforcement actions that are taken as a result of court action on a specific legal matter from which you were recused? If not, why not?

**As EPA Administrator I will recuse from participation in litigation in matters in which I represented the State of Oklahoma, unless I receive informed consent from the State of Oklahoma and the permission of relevant federal ethics officials. It is my understanding that recusal obligations do not extend to regulatory rulemaking of general applicability, which does not create a conflict under applicable rules.**

16. If you are confirmed, you will also have the ability to accomplish through *regulation* as EPA Administrator what you have been seeking to accomplish through *litigation* as Attorney General. For example, instead of waiting for a court to decide whether to grant your lawsuit's request to overturn EPA's smog standard, you could start to write a regulation to do just that on your very first day on the job. Will you commit to recuse yourself from working on the revision or elimination of any *regulation* regarding issues on which you have sued the EPA? If not, why not?

**It is my understanding under federal ethics rules that regulatory rulemaking of general applicability does not create a conflict.**

17. I am also attaching, for the record and for your review, the Ethics Agreement signed by Carol Browner, former EPA Administrator during the Clinton Administration. In her Ethics Agreement, she agreed to recuse herself from participating "personally and substantially in any EPA matter which involves the State of Florida as a specific party and in which I was personally and substantially involved as Secretary, Department of Environmental Regulations, State of Florida". I note that this agreement was not limited to one year in duration and not subject to waivers. I am also attaching, for the record and for your review, the Obama Administration Ethics Pledge that each nominee agreed to uphold, which states, in part, "I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts." If the response to any part of questions 2, 3 or 4 is no, please

**matters presented to me with an open mind and will work to reach conclusions that are reflected in the administrative record of each matter and that comport with Congress's intent in enacting the Act.**

20. Section 301(a) of the Clean Air Act prohibits the Administrator from delegating authority over many regulatory proceedings. To the extent that you are recused from participating in such decisions, who could lawfully make them?

**If I am recused from participating in a matter, the Federal Vacancies Reform Act and other federal law provide a mechanism for another EPA official to perform such functions in an acting capacity. Under current policy, the EPA Deputy Administrator would typically serve this function.**

21. Each case in which you litigated on behalf of your former client requested that the court compel EPA to take a specific action; for example, one pending suit asks a court to compel EPA to maintain the ozone standard at 75 ppb instead of lowering it to 70 ppb. A court may direct EPA to take specific actions as these cases are resolved, which will require changes to EPA regulations. Moreover, as EPA Administrator, you could simply direct the Agency to amend its regulations to do the very thing your lawsuit asked a court to do in the first place. This also creates an unresolvable conflict of interests.

- Will you recuse yourself, without waiver and for the entirety of your tenure as EPA Administrator, from any agency proceedings that a) directly result from the resolution of or b) are related to the “particular matters” that your Ethics Agreement agrees you should be recused from? If not, why not, and why do you not believe that such agency proceedings would be covered by your recusal under the applicable Standards of Ethical Conduct for Employees of the Executive Branch?

**As EPA Administrator I will recuse from participation in litigation in matters in which I represented the State of Oklahoma, unless I receive informed consent from the State of Oklahoma and the permission of relevant federal ethics officials. I understand that this does not extend to regulatory rulemaking of general applicability, which would not create a conflict under applicable rules.**

22. Our oceans are essential for life, and much of what happens on land ultimately ends up in our oceans. There are many ways in which our actions on land can both positively and negatively affect marine life and the marine environment. Under the Marine Protection, Research and Sanctuaries Act (MPRSA), the EPA ensures that harmful substances are not dumped into the



**Senator Whitehouse:**

1. Estuaries are important coastal habitats that sustain unique wildlife and plant species, serve as nurseries for commercially important fish, buffer coastal communities from coastal storms, and filter water as it flows into the ocean. The EPA manages a network of 28 estuaries of national significance around the country. Last Congress, the National Estuary Program (NEP) was reauthorized through 2021 (Public Law No. 114-162) in a bipartisan effort and charged with providing grants to support projects that address a number of problems facing estuarine and coastal environments, including seagrass habitat loss, harmful algal blooms, invasive species, and sea level rise. Coming from a non-coastal state, please describe in detail how you will acquaint yourself with 1) the NEP, and 2) coastal issues the NEP helps address.

**If confirmed, I would expect to be briefed by EPA staff on the relevant statutory authority and any EPA programs established pursuant to this authority.**

2. Each NEP must institute a Comprehensive Conservation and Management Plan (CCMP) to guide management and conservation decisions at the NEP. The effects of climate change on estuaries (i.e., saltwater inundation, increased rainfall-driven runoff, warming waters) are included in these CCMPs. Would you direct the NEPs to disregard the consequences of climate change in the CCMPs and other decision-making reports and tools?

**If confirmed, I would expect to be briefed by EPA staff on the relevant statutory authority and any EPA programs established pursuant to this authority. If confirmed, I will follow all as enacted by Congress.**

3. The Climate Ready Estuaries program coordinates with the NEP to educate managers on how to assess the effects of climate change on U.S. estuaries. It also provides recommendations and toolkits to help design climate change adaptation and risk identification capabilities. Will you direct the Climate Ready Estuaries program to remove any materials, cancel any webinars or presentations, or stop its coordinated work on climate change with the NEPs?

**I am not familiar with the details of the specific program referenced in your question. If confirmed, I would expect to be briefed by EPA staff on the relevant statutory authority and any EPA programs established pursuant to this authority.**

4. Marine debris is a growing problem around the world, with plastic debris being the most troublesome component due to its pervasiveness and persistence in the marine environment. The EPA is currently a co-chair of the federal Interagency Marine Debris Coordinating Committee. Under your direction, will the EPA to maintain a leadership role on the committee? How will you continue EPA's

8. Do you accept ocean acidification's predicted toll on coral reefs worldwide, important habitats for recreation, tourism, and commercial fishing?

**I am aware that there is a relationship between the alkalinity of water and the calcification process that grows shells and reefs and that a decrease in alkalinity can impair that process.**

9. What is the EPA's role in helping states and coastal communities mitigate or adapt to the challenges projected for the shellfish industries or the thousands of individuals that make their living off of this billion-dollar resource?

**If confirmed, I will implement the laws that EPA is charged to administer. Under section 304 of the CWA EPA establishes water quality criteria to protect aquatic life, including shellfish. Certain EPA programs also include authorities that can support projects that may benefit the shellfish industry, including the National Estuary Program under section 320 of the CWA, the Long Island Sound programs under section 119 of the CWA, and the Chesapeake Bay program under section 117 of the CWA. Finally, section 319 of the CWA can support programs and projects to reduce runoff that may impact oyster beds.**

10. What do you understand to be the consequences of sea level rise, increased storm surge, and warming ocean waters on coastal communities and estuaries?

**If confirmed, I would expect to be briefed by staff on the impact sea level rise, storm surge, and warming ocean waters on consequences on coastal communities and estuaries.**

11. Both states and some Members of Congress have for years criticized EPA for "one-size-fits-all approaches" and failing to give adequate flexibility to states. Yet in challenging EPA's Clean Power Plan, you attacked EPA for just that – giving states and regions too much latitude in administering the Clean Air Act. Wouldn't that take the Agency in the wrong direction?

**I, along with the Supreme Court, which issued a stay against the Clean Power Plan in February 2016, believe the EPA exceeded the bounds of authority established by Congress in the Clean Air Act. In particular, the Rule attempted to supplant decisions traditionally preserved for the states, including the establishment of intrastate energy policies, for agency mandated alternatives that would have increased the price of electricity for local citizens and reduced reliability. The notion of flexibility in the Clean Power Plan was conceptual at best. If confirmed, I will work to achieve the objectives of EPA-administered laws consistent with the process and framework established by Congress abiding by the bedrock principle of cooperative federalism, which relies on meaningful collaboration between the EPA and the states to achieve important environmental objectives.**

88. As Attorney General you have played a major role challenging EPA's Clean Power Plan and seven other major rules protecting the public from air pollution, water pollution, and toxic threats. Professional ethics rules prohibit attorneys from changing sides, as you would be doing if confirmed. Federal ethical guidelines specifically require that a public official should not act on a matter if a reasonable person who knew the circumstances of the situation could legitimately question his or her fairness. Will you commit to recusing yourself from substantive matters that include EPA's climate rules, its mercury and air toxics rules, its most recent clean water rule, and others related to the eight pending cases you have against EPA as an Attorney General?

**It is my understanding that recusal obligations do not extend to regulatory rulemaking of general applicability, which does not create a conflict under applicable rules. With respect to my professional obligations as a member of the bar, I am not permitted to "switch sides" as counsel in any matter in which I participated as a lawyer. The standards that would apply to me as EPA Administrator are different as I would not be representing the EPA as a lawyer. Nonetheless, in any matters involving specific parties where I believe that my impartiality may be questioned, I will consult with relevant federal ethics officials to determine whether to participate in a particular matter and provide them with all relevant facts.**

89. You have taken credit for the lawsuit *State of Oklahoma et al. v. Mahard Egg Farm*. What was the date on which the complaint in that case was filed? What are the dates of the allegations in the case? Had any Oklahoma state agencies taken any steps to investigate that matter before you became Attorney General? If so, please specify the agencies, their roles investigating the case, and the dates on which they were taken. Did the Oklahoma Attorney General's office take any steps to investigate that matter before you became Attorney General? If so, please specify what was done and when. Please indicate the date on which the Attorney General's office first contacted defendant(s) in this matter.

**As I have testified, it was a lawsuit that I initiated together with the State of Texas and the EPA. The complaint was filed on May 23, 2011. The consent decree was entered into on August 10, 2011. There was no case when I took office, but the matter had been investigated by the Office of Attorney General, the Oklahoma Department of Agriculture, the EPA, and the State of Texas. I do not know the first date that the Office of Attorney General first contacted the defendants in that matter.**

90. Have you ever met or spoken with Richard "Rick" Berman, who has been affiliated with Center for Consumer Freedom? If so, please describe the substance and dates of your communications with him. Did you or the Attorney General's Office during your tenure ever receive communications of any sort from