

Exhibit D 10

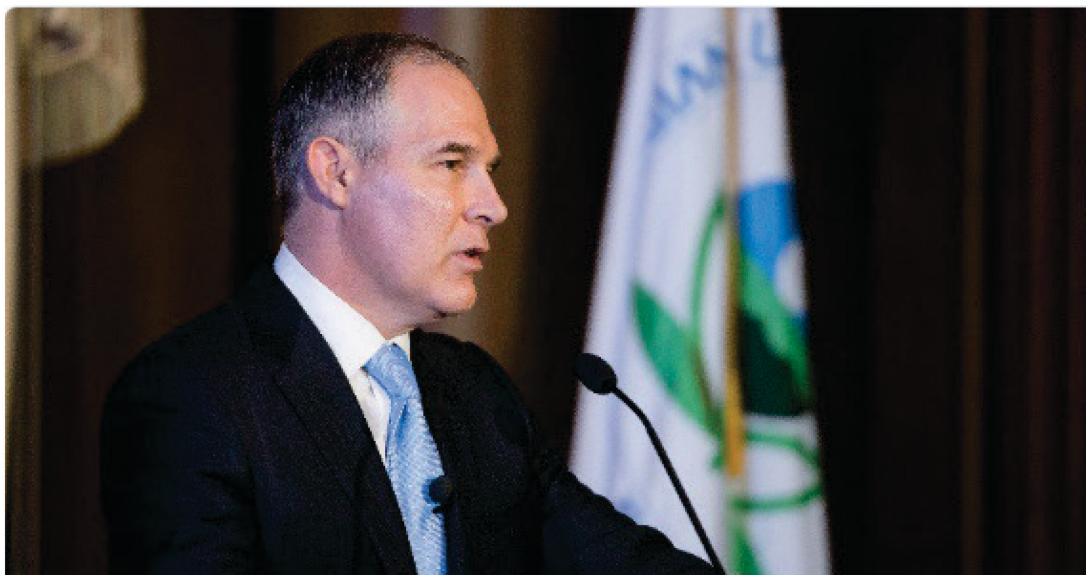
 Administrator Pruitt Retweeted



Natural Resources  @NatResources · Mar 7 

In 1 year, @EPAScottPruitt restored the @EPA to it's core mission, slashed job-killing regulations and restored the rule of law.

- ✓ Repealed Harmful #CleanPowerPlan
- ✓ Ended Obama-era Overreach in Mining Industry
- ✓ Withdrawal of #WOTUS Rule



EPA Year in Review 2017-2018

www.epa.gov

Exhibit D 1 1

UNITED STATES OFFICE OF GOVERNMENT ETHICS



April 6, 2018

Kevin Minoli
Principal Deputy General Counsel
and Designated Agency Ethics Official
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code 2310A
Washington, DC 20460

Dear Mr. Minoli:

As the supervising ethics office for the executive branch, the U.S. Office of Government Ethics (OGE) leads an ethics program designed to prevent conflicts of interest on the part of executive branch employees. Public trust demands that all employees act in the public's interest, and free from any actual or perceived conflicts, when fulfilling the governmental responsibilities entrusted to them. Agency heads in particular bear a heightened responsibility, as they are required to "exercise personal leadership in . . . establishing and maintaining an effective agency ethics program and fostering an ethical culture in the agency."¹ As the Acting Director of OGE, I am writing to you regarding (1) the recently reported actions of Scott Pruitt, Administrator of the Environmental Protection Agency (EPA), that raise concerns and may constitute a violation of the Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct) and Executive Order 13770, and (2) the resulting need for your agency take action to appropriately address any violations.²

First, questions have been raised regarding the Administrator's rental agreement with a lobbyist whose husband's clients were seeking action by the EPA.³ Our understanding is that the Administrator apparently did not seek ethics advice prior to entering into the lease regarding whether entering into such a lease could raise questions about his impartiality.⁴ Similarly, he apparently did not seek ethics advice in advance as to whether the terms of the lease were so favorable as to be a gift from the lobbyist.⁵ Only after the existence of the lease was reported in the press did he provide EPA ethics advisors with limited information about the lease. He then received, based on the incomplete information he provided, an after-the-fact opinion that the lease did not constitute a gift. Additional information has now come to light that calls into question whether the earlier determination that the Administrator paid market value for the use he made of the apartment would still be valid.

¹ 5 C.F.R. § 2638.107.

² See 5 U.S.C. app. § 402(f)(2); 5 C.F.R. § 2638.501.

³ *Pruitt Had a \$50-a-Day Condo Linked to Lobbyists. Their Client's Project Got Approved.*, The New York Times (April 2, 2018) (online at <https://www.nytimes.com/2018/04/02/climate/epa-pruitt-pipeline-apartment.html>).

⁴ See 5 C.F.R. § 2635.502.

⁵ See 5 C.F.R. Pt. 2635, subpt. B; Exec. Order 13770 (Jan. 28, 2017), sec. 1, par. 5.



Second, questions have been raised regarding the Administrator's expenses for travel, security, and salaries for some employees,⁶ as well as the use of his subordinates' time. Whether or not an official's travel and other expenses are consistent with regulations or are an appropriate use of scarce government resources is beyond the purview of OGE. Nevertheless, reports of the Administrator making frequent official trips to his home state at Government expense to offset the expense of returning home for personal or political reasons⁷ do raise concerns about whether the Administrator is using his public office for personal gain in violation of ethics rules.⁸ Further, reports that the Administrator's subordinates may have assisted him in finding housing⁹ also raise concerns about whether the Administrator misused his position.¹⁰

Finally, there are extremely concerning reports that the Administrator has reassigned or demoted staff who were attempting to ensure that the expenses and other actions were in accordance with laws and regulations.¹¹ If true, it is hard to imagine any action that could more effectively undermine an agency's integrity than punishing or marginalizing employees who strive to ensure compliance with the laws and regulations that safeguard that integrity.

The success of our Government depends on maintaining the trust of the people we serve. The American public needs to have confidence that ethics violations, as well as the appearance of ethics violations, are investigated and appropriately addressed. Agency officials are generally in the best position to ascertain the relevant facts and address any individual conflicts of interest or systemic deficiencies in agency programs or procedures. Therefore, as the supervising ethics office for the executive branch, OGE expects that the EPA will review and analyze the alleged conduct described above. I understand that the agency's Office of Inspector General is already reviewing requests for an investigation of some of these matters. If a violation is found, OGE also expects that appropriate action will be taken in response. Similarly, if a violation or misconduct is found, your agency should ensure that processes are in place to prevent similar occurrences in the future. If you have any questions, please do not hesitate to contact my office.

Sincerely,



David J. Apol
Acting Director and General Counsel

⁶ *A Trip to Morocco. A Condo Rental. Here's Why Scott Pruitt Is Under Fire.*, The New York Times (April 4, 2018) (online at <https://www.nytimes.com/2018/04/04/climate/scott-pruitt-condo-travel.html>).

⁷ *Scott Pruitt, Trump's Rule-Cutting E.P.A. Chief, Plots His Political Future*, The New York Times (March 17, 2018) (online at <https://www.nytimes.com/2018/03/17/climate/scott-pruitt-political-ambitions.html>).

⁸ See 5 C.F.R. § 2635.702.

⁹ *EPA staffer helped Pruitt search for housing on weekends: report*, The Hill (April 3, 2018) (online at <http://thehill.com/policy/energy-environment/381442-epa-staffer-helped-pruitt-search-for-housing-on-weekends-report>).

¹⁰ See 5 C.F.R. §§ 2635.702, 2635.705(b).

¹¹ *E.P.A. Officials Sidelined After Questioning Scott Pruitt*, The New York Times (April 5, 2018) (online at <https://www.nytimes.com/2018/04/05/business/epa-officials-questioned-scott-pruitt.html>).

Exhibit D 12

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074

MINORITY (202) 225-5051

<http://oversight.house.gov>

April 11, 2018

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

Dear Mr. Pruitt:

On February 20, 2018, the Committee requested documents and other information regarding your official travel be produced by March 6, 2018.¹ The EPA provided some responsive documents on March 20, 2018, and subsequently shared additional documents in camera on April 9, 2018. Nevertheless, the EPA has failed to produce all the documents requested on February 20, 2018.

Specifically, EPA has not produced documents responsive to requests 3(a) and (b). Those requests cover, for each of your first or business class flights, documents related to whether an individual waiver or authorization to purchase a first or business class ticket for the flight was issued; and, if a waiver or authorization was issued, a copy of the waiver or authorization and any documents related to the reasoning for the waiver or authorization. These requests include, but are not limited to, any documents referring or relating to “specific, ongoing threats associated with the Administrator’s air travel,” which was the stated basis for obtaining first class tickets in a March 20, 2018, letter from EPA Associate Administrator Troy Lyons.²

Additionally, the Committee is evaluating a February 2017 lease agreement entered into by you and Ms. Vicki Hart.³ The Committee obtained related memoranda issued by the agency’s Designated Ethics Official on March 30, 2018, and April 4, 2018. The April 4, 2018, memorandum raises questions about whether ethics officials who reviewed the lease had access to all relevant information, and whether all applicable ethics rules were considered when those officials concluded the lease agreement complied with federal ethics regulations.⁴

¹ Letter from Rep. Trey Gowdy, Chairman, H. Comm. on Oversight & Gov’t Reform, to Mr. Scott Pruitt, Adm’r, Env’tl. Prot. Agency (Feb. 20, 2018).

² Letter from Troy Lyons, Assoc. Adm’r, Env’tl. Prot. Agency, to Rep. Trey Gowdy, Chairman, H. Comm. on Oversight & Gov’t Reform (March 20, 2018).

³ Louis Nelson, *EPA Ethics Official Says He Didn’t Have All ‘Factual Information’ on Pruitt’s Lease*, POLITICO (Apr. 5, 2018, 7:34 AM), <https://www.politico.com/story/2018/04/05/scott-pruitt-ethics-memo-503641>.

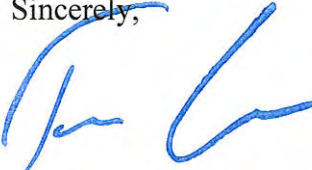
⁴ *Id.*

These memoranda are insufficient to evaluate compliance with federal ethics rules. To assist the Committee in determining whether federal ethics regulations were followed with respect to the February 2017 lease, please produce the following:

1. All documents and communications referring or relating to the lease agreement entered into by you with Vicki Hart, including, but not limited to all communications between you and Steven Hart and/or Vicki Hart regarding the lease agreement;
2. Documents and communications referring or relating to the conclusions reached in the March 30, 2018, and April 4, 2018, ethics memoranda;
3. Documents and communications referring or relating to whether the actual use of the space was consistent with the lease terms; and
4. Documents and communications referring or relating to whether the lease agreement complied with 5 C.F.R. § 2635.502.

Provide the requested documents and information as soon as possible, but no later than April 25, 2018. An attachment to this letter provides additional instructions for responding to the Committee's request.

Please contact Caroline Nabity of the Majority staff at (202) 225-5074 with any questions about this request. Thank you for your attention to this matter.

Sincerely,

Trey Gowdy

Enclosure

cc: The Honorable Elijah E. Cummings

Exhibit D 12



An official website of the United States government.

United States
Environmental Protection
Agency



News Releases

[CONTACT US](#)

SHARE



News Releases from Headquarters > Air and Radiation (OAR)

Latest Inventory of U.S. Greenhouse Gas Emissions and Sinks Shows Continued Progress

04/18/2018

Contact Information:

(press@epa.gov)

WASHINGTON — The 2018 edition of EPA’s comprehensive annual report on greenhouse gas emissions (GHG) highlights continued reductions in emissions – about two percent below 2015 levels and 11 percent below 2005 levels. Between 2005 and 2016, GHG emissions in the U.S. electric power sector have dropped by roughly 25 percent.

“This report confirms the President’s critics are wrong again: one-size-fits-all regulations like the Clean Power Plan or misguided international agreements like the Paris Accord are not the solution. The U.S. has reduced greenhouse gas emissions more than any country on Earth over the last decade,” **said EPA Administrator Scott Pruitt**. “American ingenuity and technological breakthroughs, not top-down government mandates, have made the U.S. the world leader in achieving energy dominance while reducing emissions – one of the great environmental successes of our time.”

Background

EPA’s annual report, the “Inventory of U.S. Greenhouse Gas (GHG) Emissions and Sinks: 1990-2016,” provides comprehensive look at U.S. emissions and removals by source, economic sector, and GHG, going back to 1990.

The gases covered by this inventory include: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride and nitrogen trifluoride. The inventory also calculates carbon dioxide emissions that are removed from the atmosphere by “sinks,” e.g., through the uptake of carbon and storage in forests, vegetation, and soils.

This annual report is prepared by EPA in collaboration with numerous experts from other federal agencies including the U.S. Department of Energy’s Energy Information Administration, U.S. Department of Defense and U.S. Department of Agriculture, state government authorities, research and academic institutions, and industry associations.

More information is available at: <https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks>.

Exhibit D 13



Administrator Pruitt ✓

@EPAScottPruitt

Follow



2018 report on GHG emissions confirms @POTUS critics are wrong again ➡ top-down regs like CPP or misguided int'l agreements like Paris Accord aren't the solution. American ingenuity & tech breakthroughs have made US the world leader in energy dominance while reducing emissions.

1:35 PM - 18 Apr 2018
