

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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October 30, 2017

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

Dear Administrator Pruitt:

In June, the Committee wrote to you out of deep concern over your implementation of the Frank R. Lautenberg Chemical Safety Act for the 21st Century and personnel decisions which had the potential to undermine your agency's scientific integrity.¹ Specifically, the request questioned your decision to entrust Dr. Nancy Beck with implementing the new Toxic Substances Control Act (TSCA) law despite her close relationship with the regulated industry. You failed to respond to this request, but it is clear that the assault on science at the Environmental Protection Agency (EPA) continues and that Dr. Beck has undermined TSCA implementation as feared. It is also clear that the Agency continues to operate with complete disregard for transparency as you have neglected your duties to respond to Congressional oversight requests.

The June letter requested copies of all recusals, waivers, or ethics agreements that Dr. Beck had signed or received. Although you never supplied those documents, they have now been printed in the *New York Times*.

The letter also requested a document tracking the changes made to the TSCA framework rules after Dr. Beck started at the Agency. Although you never supplied that document, it is now clear that she made drastic changes to the rules and that the requested records exist.

According to a recent report by the *New York Times*, upon joining the EPA, Dr. Beck "spent her first weeks on the job pressing agency staff to rewrite the [chemical] standards to reflect, in some cases, word for word, the chemical industry's proposed changes."² As

¹ Letter from Rep. Frank Pallone, Jr., Ranking Member, House Committee on Energy and Commerce, to EPA Administrator Scott Pruitt (Jun. 21, 2017).

² Why Has the E.P.A. Shifted on Toxic Chemicals? An Industry Insider Helps Call the Shots, *The New York Times* (Oct. 21, 2017).

rulemaking deadlines approached, “Dr. Beck took control of the rewriting herself, a highly unusual step at the E.P.A., where expert Civil Service employees traditionally hold the rule-writing pen.”³ Despite several EPA offices reportedly objecting to these changes, your deputies apparently instructed offices to voice concerns in concur-with-comment memos, which allowed the rulemaking process to move forward over these objections.⁴

These changes appear to have been sanctioned by EPA’s Acting General Counsel, who issued a broad authorization allowing Dr. Beck “to participate fully in matters of general applicability, including rulemaking, including consideration of any comments that were made by [the American Chemistry Council].”⁵ In a June 8, 2017 memo, the Acting General Counsel explaining to Dr. Beck “because your prior knowledge is inherently part of your expertise, it is impractical to excise that knowledge from how you carry out your Agency duties.”⁶ Rather than requiring recusal from areas where a conflict of interest likely exists, the authorization appears to allow broad interference by Dr. Beck on rulemakings for which she had previously authored and submitted comments on behalf of the chemical industry.

Americans deserve an EPA that protects human health and the environment in an honest and transparent manner. We therefore request that you immediately provide the documents requested in June and appear before the Committee to explain this blatant disregard for conflicts of interest and the public interest.

As a reminder, here are the documents requested in June:

1. All ethics agreements, recusals, memoranda of understanding or other pertinent documents that detail the issues on which Dr. Beck is permitted to work and those on which she is prohibited to work.
2. Documentation of all changes made after Dr. Beck started work at the EPA to the preambles and rule texts for the framework rules to be finalized tomorrow, including previous versions of those texts.
3. Dr. Beck’s Public Financial Disclosure Reports and any supplemental materials.
4. A list of all issues Dr. Beck has worked on, is allowed to work on, and is prohibited from working on.

³ *Id.*

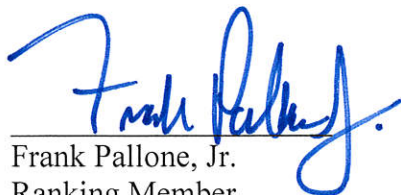
⁴ *Id.*

⁵ Memorandum from Designated Agency Ethics Official and Acting General Counsel to Deputy Assistant Administrator, Office of Chemical Safety and Pollution Prevention, U.S. Environmental Protection Agency, Participation in Specific Party Matters Involving Your Former Employer, the American Chemistry Council (Jun. 8, 2017).

⁶ *Id.*

5. The statutory hiring authority and type of appointment occupied by Dr. Beck (i.e. Senior Executive Service, Schedule C, Administratively Determined).

Sincerely,



Frank Pallone, Jr.
Ranking Member



Diana DeGette
Ranking Member
Subcommittee on Oversight
and Investigations



Kathy Castor
Vice Ranking Member



Paul Tonko
Ranking Member
Subcommittee on Environment

Cc: The Honorable Greg Walden, Chairman, Committee on Energy and Commerce
The Honorable Joe Barton, Vice Chairman, Committee on Energy and Commerce
The Honorable John Shimkus, Chairman, Subcommittee on Environment