

ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-2927
Minority (202) 225-3641
April 11, 2019

Wendell L. Taylor, Esq.
Managing Partner
Hunton Andrews Kurth LLP
2200 Pennsylvania Avenue, NW
Washington, D.C. 20037

Dear Mr. Taylor:

Pursuant to Rules X and XI of the U.S. House of Representatives, this Committee is responsible for oversight of the Environmental Protection Agency's (EPA) implementation of the Clean Air Act (CAA).

As such, we are deeply troubled by several reports of allegedly unethical behavior by EPA officials, particularly in the Office of Air and Radiation. In particular, we are concerned that two former employees of your firm—William Wehrum and David Harlow—may have violated federal ethics rules by helping reverse EPA's position in ongoing litigation against DTE Energy, a Hunton client. More broadly, the Office of Air and Radiation's agenda appears remarkably similar to the substantive agenda advanced by a group housed at your firm known as the Utility Air Regulatory Group (UARG).

These allegations have raised substantial questions regarding whether Mr. Wehrum and Mr. Harlow are properly carrying out the CAA as directed by Congress or instead changing Agency policies and programs to benefit former clients, who are also clients of your law firm.¹ As such, we write to request certain materials from your firm to assist the Committee in its investigation of these issues.

¹ See, e.g., *As Trump Dismantles Clean Air Rules, an Industry Lawyer Delivers for Ex-Clients*, The New York Times (Aug. 19, 2018); *EPA Official Bill Wehrum Stayed in Close Touch With His Former Law Firm, New Emails Show*, The Washington Post (Feb. 13, 2019); *How a Top EPA Regulator's Law Firm Profited From the Fight to Roll Back Air Rules*, Politico (Feb. 20, 2019); *EPA Regulator Skirts the Line Between Former Clients and Current Job*, The Washington Post (Feb. 25, 2019); *Bill Wehrum and the 'Holy Grail'*, Politico (Mar. 4, 2019).

EPA's mission is to protect human health and the environment. This mission has been severely compromised by the Trump Administration's deregulatory agenda.² EPA is attempting to undermine or eliminate critically important safeguards which, if successful, would jeopardize public health by worsening air quality and exacerbating the harm climate change will inflict on all Americans.

At the same time, many industry interests stand to profit significantly from EPA's deregulatory agenda. This is especially true for the coal industry,³ which is of central importance to the members of UARG, and your firm, which receives millions of dollars every year from UARG members.⁴ Although Hunton claims to represent UARG in administrative and judicial proceedings, UARG materials recently revealed for the first time⁵ raise questions about the legal status of UARG and whether the members of UARG are your actual clients.

To assist the Committee's investigation into these issues, we request the following:

1. All documents relating to the legal status of UARG.⁶ This includes, but is not limited to, articles of incorporation, by-laws, and any federal or state regulatory filings. There is no temporal limit to this request.
2. All documents exchanged and communications between employees of your firm and any of the individuals included on the attached list. For any former employees on the list, this request is limited to when each such individual was employed by EPA.
3. All documents exchanged and communications between William Wehrum, as an employee of Hunton & Williams or Hunton Andrews Kurth, and any of the individuals included on the attached list. For any former employees on the list, this request is limited to when each such individual was employed by EPA.
4. All documents exchanged and communications between David Harlow, as an employee of Hunton & Williams or Hunton Andrews Kurth, and any of the

² See, e.g., *An Inside Look at How Trump Turned the EPA Into an Industry Subsidiary*, Yale Environment 360 (Oct. 4, 2018) (e360.yale.edu/features/an-inside-look-at-how-trump-turned-the-epa-into-an-industry-subsidiary).

³ See, e.g., *Trump EPA Acts to Roll Back Control on Climate-Changing Coal*, Associated Press (Dec. 6, 2018) (www.apnews.com/c9f226034f05432b9a00f975e15815bf).

⁴ *How a Top EPA Regulator's Law Firm Profited From the Fight to Roll Back Air Rules*, *supra* note 2.

⁵ *Id.*

⁶ *Cf. How a Top EPA Regulator's Law Firm Profited From the Fight to Roll Back Air Rules*, *supra* note 2 (quoting William Wehrum's assertion that UARG is a "legal entity" and that "his clients were 'not the individual members' of UARG").

individuals included on the attached list. For any former employees on the list, this request is limited to when each such individual was employed by EPA.

5. A list of all attendees at any meeting attended by Mandy Gunasekara and any member(s) of UARG on June 22 or 23, 2017, including the name, title and organizational affiliation of each attendee, and all documents exchanged at such meeting(s).
6. A list of all attendees at any meeting attended by William Wehrum and any member(s) of UARG on December 7 or December 8, 2017, including the name, title and organizational affiliation of each attendee, and all documents exchanged at such meeting(s).

Please provide the requested documents by April 25, 2019. As you are no doubt aware, no privilege protects communications between members of a law firm and federal officials.

An attachment to this letter provides additional information about how to respond to the Committee's request. If you have any questions, please contact Rick Kessler with the Committee staff at (202) 225-2927. We appreciate your cooperation and look forward to your timely response.

Sincerely,



Frank Pallone, Jr.
Chairman



Paul D. Tonko
Chairman
Subcommittee on Environment
and Climate Change



Diana DeGette
Chair
Subcommittee on Oversight
and Investigations

Wendell Taylor, Esq.

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cc: The Honorable Greg Walden, Ranking Member, Committee on Energy and Commerce
The Honorable John Shimkus, Ranking Member, Subcommittee on Environment and
Climate Change
The Honorable Brett Guthrie, Ranking Member, Subcommittee on Oversight and
Investigations

Attachment A

List of EPA Officials for Document Requests

Office of the Administrator

- Administrator Andrew Wheeler
- Former Administrator Scott Pruitt
- Chief of Staff Ryan Jackson
- Former Deputy Chief of Staff Byron Brown
- Office of Policy Associate Administrator Brittany Bolen
- Former Office of Policy Associate Administrator Samantha Dravis
- Director of Public Liaison Amy Dewey

Office of Air and Radiation

- Assistant Administrator William Wehrum
- Senior Counsel to the Assistant Administrator David Harlow
- Deputy Assistant Administrator Clint Woods
- Former Principal Deputy Assistant Administrator and Former Senior Policy Advisor Mandy Gunasekara
- Emily Atkinson
- Josh Lewis
- Office of Air Quality Planning and Standards (OAQPS) Director Peter Tsirigotis
- OAQPS Associate Director Bill Harnett
- OAQPS Associate Director Mike Koerber
- OAQPS Air Quality Policy Division Associate Director Juan Santiago
- Former Deputy Assistant Administrator for Office of Research and Development Richard Yamada

Office of General Counsel

- General Counsel Matthew Leopold
- Principal Deputy General Counsel David Fatouhi
- Deputy General Counsel Justin Schwab
- Former Deputy General Counsel Erik Baptist