



EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503

March 24, 2018

Austin Evers
Executive Director
American Oversight
1030 15th Street NW
Suite B255
Washington, DC 20005
Tel: (202) 919-6303
Email: foia@americanoversight.org

VIA EMAIL

Re: FOIA Request FY2020-014 Final Response

Dear Austin Evers:

This letter is in final response to Freedom of Information Act (FOIA), 5 U.S.C. § 552 that you sent to the Council on Environmental Quality (CEQ). You have sought the following:

All email communications (including email messages, email attachments, calendar invitations, and attachments thereto) between Mario Loyola and any employee or representative of the following:

1. American Enterprise Institute (aei.org)
2. Americans for Prosperity (americansforprosperity.org)
3. American Petroleum Institute (api.org)
4. British Petroleum (bp.com)
5. Cato Institute (cato.org)
6. CO2 Coalition (co2coalition.org)
7. Committee for a Constructive Tomorrow (cfact.org)
8. Competitive Enterprise Institute (cei.org)
9. Energy and Environmental Legal Institute (eelegal.org)
10. Exxon Mobil (exxonmobil.com)
11. The Heartland Institute (heartland.org)
12. Heritage Foundation (heritage.org)
13. Institute for Energy Research (instituteforenergyresearch.org)
14. Koch Industries (kochind.com)
15. Manhattan Institute for Policy Research (manhattan-institute.org)
16. National Mining Association (nma.org)
17. Pacific Research Institute (pacificresearch.org)
18. The Right Climate Stuff (therightclimatestuff.com)
19. Texas Public Policy Foundation (texaspolicy.com)



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The timeframe for your request is March 19, 2017 through August 19, 2019. CEQ conducted a search for responsive documents and the search found 94 pages of documents responsive to your request, enclosed. We have determined that exemptions be applied in 20 redaction instances pursuant to 5 U.S.C. § 552(b)(5). The information redacted under Exemption 5 comprises protected deliberative and predecisional materials. Specifically, we redacted communications arising from Kathleen Hartnett White's nomination for CEQ Chair, including a draft opening statement for her nomination hearing before the Senate Environment and Public Works Committee. We have determined that exemptions be applied in 302 redaction instances pursuant to 5 U.S.C. § 552(b)(6), which protects information from disclosure that would constitute a clearly unwarranted invasion of personal privacy. Specifically, we redacted certain email addresses and phone numbers.

This release constitutes a denial in part. Release of this information does not foreclose CEQ from later claiming an exemption or privilege with regard to any similar documents in response to a subsequent FOIA request.

We expect that you are satisfied with the action on this request. You may challenge the adequacy of the search by submitting a written appeal within ninety (90) calendar days to efoia@ceq.eop.gov. Appeals may also be sent via facsimile to (202) 456-0753 or via U.S. postal mail addressed to: FOIA Appeals Officer, Council on Environmental Quality, Executive Office of the President, 730 Jackson Place NW, Washington, D.C. 20503.

You may obtain additional information by contacting me by email or telephone. Also, you have a right to seek assistance or dispute resolution services from the Office of Government Information Services (OGIS). Their webpage is <https://ogis.archives.gov/> and their phone number is (202) 741-5770.

Sincerely,

Caroline Gignoux

Caroline Gignoux
Attorney Advisor
Council on Environmental Quality
Email: efoia@ceq.eop.gov
Telephone: (202) 456-5147

Attachment

RE: Brian, Can you forward this invitation?

From: "Loyola, Mario A. EOP/CEQ" </o=organization/ou=exchange administrative group (fydibohf23spdlit)/cn=recipients/cn=c519dd1ae90a4f13be5a1945b5cd672e-loyola, mar">
To: Myron Ebell <myron.ebell@cei.org>
Date: Wed, 12 Jul 2017 17:02:52 -0400

Thank you Myron, great to see you too! I'll see if I can go to this.

Mario Loyola

(b) (6)

From: Myron Ebell [mailto:Myron.Ebell@cei.org]
Sent: Wednesday, July 12, 2017 4:46 PM
To: Loyola, Mario A. EOP/CEQ <(b) (6)>
Subject: FW: Brian, Can you forward this invitation?

Dear Mario, Nice to see you last night. Here's an event that may be of interest.
Yours, Myron.

Please Rsvp to Matthew.Townsend@cei.org.

THE COOLER HEADS COALITION

invites you to
A Congressional Staff and Media Briefing
(a widely-attended event)

Scare Pollution: Why and How To Fix the EPA

with

Steve Milloy
Author of *Scare Pollution* (2016)
and Publisher of JunkScience.com

Monday, July 17th
12 Noon—1:15 PM
2325, Rayburn House Office Building
Lunch and copies of the book provided

Please RSVP to Matthew.Townsend@cei.org.
For more information, call Myron Ebell at (202) 331-2256

“Scare Pollution: Why and How to Fix the EPA”

The Environmental Protection Agency’s flagship scientific research and regulatory programs revolve around the claim that air pollution kills hundreds of thousands of Americans every year. Steve Milloy will discuss the shockingly fraudulent and even illegal science behind EPA’s claims as detailed in his new book, *“Scare Pollution: Why and How to Fix the EPA.”* These claims have been used to justify global warming rules, destroy the coal industry, and assert EPA control over our fossil fuel-dependent economy. Milloy's exposé tells the story of how he uncovered the EPA’s misconduct via his investigative journalism, original scientific research, and revealing interactions with EPA, Congress, federal courts and green activists. Copies of *Scare Pollution* will be available at no charge for attendees.

Steve Milloy

Steve Milloy is the founder and publisher of JunkScience.com and a senior policy fellow at the Energy and Environmental Legal Institute. He served in 2016 on the Trump Transition’s EPA team.

In addition to his most recent book, *Scare Pollution* published in 2016, Mr. Milloy is the author of *Green Hell: How Environmentalists Plan to Control Your Life and What You Can Do to Stop Them*; *Junk Science Judo: Self-defense Against Health Scares and Scams*; *Silencing Science*, with co-author Michael Gough; *Science Without Sense: The Risky Business of Public Health Research*; and *Science-Based Risk Assessment*. He has also written over 700 articles and columns published in major newspapers and web sites.

Mr. Milloy holds a B.A. in Natural Sciences and a Master of Health Sciences (Biostatistics) from Johns Hopkins University, a Juris Doctorate from the University of Baltimore, and a Master of Laws (Securities Regulation) from the Georgetown University Law Center. His work has contributed to a number of regulatory reform efforts in Congress.

Myron Ebell
Director, Center for Energy and Environment
Competitive Enterprise Institute
1310 L Street, N. W., Seventh Floor
Washington, DC 20005, USA
Tel direct: (202) 331-2256
Tel mobile: (b) (6)
E-mail: Myron.Ebell@cei.org
Stop continental drift!

FW: Brian, Can you forward this invitation?

From: Myron Ebell <myron.ebell@cei.org>

To: "Loyola, Mario A. EOP/CEQ" (b) (6)

Date: Wed, 12 Jul 2017 16:45:54 -0400

Dear Mario, Nice to see you last night. Here's an event that may be of interest.
Yours, Myron.

Please Rsvp to Matthew.Townsend@cei.org.

THE COOLER HEADS COALITION

invites you to
A Congressional Staff and Media Briefing
(*a widely-attended event*)

Scare Pollution: Why and How To Fix the EPA

with

Steve Milloy
Author of *Scare Pollution* (2016)
and Publisher of JunkScience.com

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Steve Milloy

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In addition to his most recent book, *Scare Pollution* published in 2016, Mr. Milloy is the author of *Green Hell: How Environmentalists Plan to Control Your Life and What You Can Do to Stop Them*; *Junk Science Judo: Self-defense Against Health Scares and Scams*; *Silencing Science*, with co-author Michael Gough; *Science Without Sense: The Risky Business of Public Health Research*; and *Science-Based Risk Assessment*. He has also written over 700 articles and columns published in major newspapers and web sites.

Mr. Milloy holds a B.A. in Natural Sciences and a Master of Health Sciences (Biostatistics) from Johns Hopkins University, a Juris Doctorate from the University of Baltimore, and a Master of Laws (Securities Regulation) from the Georgetown University Law Center. His work has contributed to a number of regulatory reform efforts in Congress.

Myron Ebell
Director, Center for Energy and Environment
Competitive Enterprise Institute

1310 L Street, N. W., Seventh Floor
Washington, DC 20005, USA
Tel direct: (202) 331-2256
Tel mobile: (b) (6)
E-mail: Myron.Ebell@cei.org
Stop continental drift!

Meeting request

From: Taylor Barkley <taylor.barkley@cei.org>

To: "Loyola, Mario A. EOP/CEQ" <(b) (6)>

Date: Wed, 26 Jul 2017 11:29:52 -0400

Mario,

Some of us on the CEI team would love to meet with you and others at CEQ about upcoming policy issues. Could you provide a few dates and times that would work well for you and your team over the next month or so?

Thank you!

Taylor Barkley

Government Affairs Manager

[Competitive Enterprise Institute](#)

(O) 202.331.2250 | (C) (b) (6)

[CEI's Agenda for the 115th Congress](#)

RE: Meeting request

From: Taylor Barkley <taylor.barkley@cei.org>

To: "Loyola, Mario A. EOP/CEQ" (b) (6)

Date: Tue, 01 Aug 2017 16:05:52 -0400

Mario,

How about 2-3 PM on Tuesday, August 8?

Kent Lassman, Jim Harper (VP), Sam Kazman (Counsel and environment issues), Marlo Lewis (environmental issues), and I (government affairs) are available during that time slot.

Thank you!

Taylor

From: Taylor Barkley

Sent: Tuesday, August 1, 2017 10:34 AM

To: 'Loyola, Mario A. EOP/CEQ' (b) (6)

Subject: RE: Meeting request

Mario,

Great! Those days sound good for us. Just left you a VM. Feel free to call back at your convenience today or tomorrow.

Taylor Barkley

Government Affairs Manager

[Competitive Enterprise Institute](#)

(O) 202.331.2250 | (C) (b) (6)

[CEI's Agenda for the 115th Congress](#)

From: Loyola, Mario A. EOP/CEQ [[mailto:\(b\) \(6\)](#)]

Sent: Tuesday, August 1, 2017 9:35 AM

To: Taylor Barkley <Taylor.Barkley@cei.org>

Subject: RE: Meeting request

Dear Taylor, next Tuesday or Wednesday, August 8 or 9, would be great anytime starting 11am. Feel free to give me a call and we can discuss a bit more. Thank you for reaching out.

Mario Loyola

x64593

From: Taylor Barkley [<mailto:Taylor.Barkley@cei.org>]
Sent: Wednesday, July 26, 2017 11:30 AM
To: Loyola, Mario A. EOP/CEQ <(b) (6)>
Subject: Meeting request

Mario,

Some of us on the CEI team would love to meet with you and others at CEQ about upcoming policy issues. Could you provide a few dates and times that would work well for you and your team over the next month or so?

Thank you!

Taylor Barkley
Government Affairs Manager
[Competitive Enterprise Institute](#)
(O) 202.331.2250 | (C) (b) (6)
[CEI's Agenda for the 115th Congress](#)

RE: Meeting request

From: Taylor Barkley <taylor.barkley@cei.org>

To: "Loyola, Mario A. EOP/CEQ" (b) (6)

Date: Tue, 01 Aug 2017 10:34:28 -0400

Mario,

Great! Those days sound good for us. Just left you a VM. Feel free to call back at your convenience today or tomorrow.

Taylor Barkley

Government Affairs Manager

[Competitive Enterprise Institute](#)

(O) 202.331.2250 | (C) (b) (6)

[CEI's Agenda for the 115th Congress](#)

From: Loyola, Mario A. EOP/CEQ [mailto:(b) (6)]

Sent: Tuesday, August 1, 2017 9:35 AM

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Subject: RE: Meeting request

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Mario Loyola

(b) (6)

From: Taylor Barkley [<mailto:Taylor.Barkley@cei.org>]

Sent: Wednesday, July 26, 2017 11:30 AM

To: Loyola, Mario A. EOP/CEQ (b) (6)

Subject: Meeting request

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Taylor Barkley

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(O) 202.331.2250 | (C) (b) (6)
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RE: Meeting request

From: "Loyola, Mario A. EOP/CEQ" </o=organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=c519dd1ae90a4f13be5a1945b5cd672e-loyola, mar">

To: Taylor Barkley <taylor.barkley@cei.org>

Date: Tue, 01 Aug 2017 09:34:58 -0400

Dear Taylor, next Tuesday or Wednesday, August 8 or 9, would be great anytime starting 11am. Feel free to give me a call and we can discuss a bit more. Thank you for reaching out.

Mario Loyola

(b) (6)

From: Taylor Barkley [mailto:Taylor.Barkley@cei.org]

Sent: Wednesday, July 26, 2017 11:30 AM

To: Loyola, Mario A. EOP/CEQ (b) (6)

Subject: Meeting request

Mario,

Some of us on the CEI team would love to meet with you and others at CEQ about upcoming policy issues. Could you provide a few dates and times that would work well for you and your team over the next month or so?

Thank you!

Taylor Barkley

Government Affairs Manager

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(O) 202.331.2250 | (C) (b) (6)

[CEI's Agenda for the 115th Congress](#)

New Time Proposed: Meeting request

Where: 730 JP 1st FL

When: Wed Aug 02 14:00:00 2017 (America/New_York)

Until: Wed Aug 02 15:00:00 2017 (America/New_York)

Organiser:

Required Attendee:

Optional Attendee:

Thanks, Mario! Changing this to August 8, 2-3 PM.

Meeting request

Where: 730 JP 1st FL

When: Wed Aug 02 14:00:00 2017 (America/New_York)

Until: Wed Aug 02 15:00:00 2017 (America/New_York)

Organiser: "Loyola, Mario A. EOP/CEQ" </o=organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=c519dd1ae90a4f13be5a1945b5cd672e-loyola, mar">

Required Attendee: Taylor Barkley <taylor.barkley@cei.org>

Sounds great, see you then at 730 Jackson Place. Thank you.

From: Taylor Barkley [mailto:Taylor.Barkley@cei.org]
Sent: Tuesday, August 1, 2017 4:06 PM
To: Loyola, Mario A. EOP/CEQ <(b) (6)>
Subject: RE: Meeting request

Mario,

How about 2-3 PM on Tuesday, August 8?

Kent Lassman, Jim Harper (VP), Sam Kazman (Counsel and environment issues), Marlo Lewis (environmental issues), and I (government affairs) are available during that time slot.

Thank you!

Taylor

From: Taylor Barkley
Sent: Tuesday, August 1, 2017 10:34 AM
To: 'Loyola, Mario A. EOP/CEQ' <(b) (6)>
Subject: RE: Meeting request

Mario,

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Taylor Barkley

Government Affairs Manager

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(O) 202.331.2250 | (C) (b) (6)

[CEI's Agenda for the 115th Congress](#)

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(b) (6)

From: Taylor Barkley [<mailto:Taylor.Barkley@cei.org>]

Sent: Wednesday, July 26, 2017 11:30 AM

To: Loyola, Mario A. EOP/CEQ (b) (6)

Subject: Meeting request

Mario,

Some of us on the CEI team would love to meet with you and others at CEQ about upcoming policy issues. Could you provide a few dates and times that would work well for you and your team over the next month or so?

Thank you!

Taylor Barkley

Government Affairs Manager

[Competitive Enterprise Institute](#)

(O) 202.331.2250 | (C) (b) (6)

[CEI's Agenda for the 115th Congress](#)

Meeting request

Where: 730 JP 1st FL

When: Tue Aug 08 14:00:00 2017 (America/New_York)

Until: Tue Aug 08 15:00:00 2017 (America/New_York)

Organiser: "Loyola, Mario A. EOP/CEQ" <"/o=organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=c519dd1ae90a4f13be5a1945b5cd672e-loyola, mar">

Required Attendees : "Loyola, Mario A. EOP/CEQ" (b) (6)
Taylor Barkley <taylor.barkley@cei.org>

Optional Attendee: "Prandoni, Christopher D. EOP/CEQ" (b) (6)

Sounds great, see you then at 730 Jackson Place. Thank you.

From: Taylor Barkley [mailto:Taylor.Barkley@cei.org]
Sent: Tuesday, August 1, 2017 4:06 PM
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Subject: RE: Meeting request

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(b) (6)

From: Taylor Barkley [mailto:Taylor.Barkley@cei.org]
Sent: Wednesday, July 26, 2017 11:30 AM
To: Loyola, Mario A. EOP/CEQ (b) (6)
Subject: Meeting request

Mario,

Some of us on the CEI team would love to meet with you and others at CEQ about upcoming policy issues. Could you provide a few dates and times that would work well for you and your team over the next month or so?

Thank you!

Taylor Barkley

Government Affairs Manager

[Competitive Enterprise Institute](#)

(O) 202.331.2250 | (C) (b) (6)

[CEI's Agenda for the 115th Congress](#)

RE: Meeting request

From: Taylor Barkley <taylor.barkley@cei.org>

To: "Loyola, Mario A. EOP/CEQ" (b) (6)

Date: Mon, 07 Aug 2017 12:53:29 -0400

Mario,

We are looking forward to our meeting tomorrow. Unfortunately Marlo Lewis will not be able to join us. However our colleague Will Yeatman is able to fill in for him. He is an expert on EPA regulations and will contribute a lot to our conversation I am sure. Aside from this change the rest of the roster is the same.

Thanks, Mario!

Taylor

On Aug 1, 2017, 4:05 PM -0400, Taylor Barkley <Taylor.Barkley@cei.org>, wrote:

Mario,

How about 2-3 PM on Tuesday, August 8?

Kent Lassman, Jim Harper (VP), Sam Kazman (Counsel and environment issues), Marlo Lewis (environmental issues), and I (government affairs) are available during that time slot.

Thank you!

Taylor

From: Taylor Barkley

Sent: Tuesday, August 1, 2017 10:34 AM

To: 'Loyola, Mario A. EOP/CEQ' (b) (6)

Subject: RE: Meeting request

Mario,

Great! Those days sound good for us. Just left you a VM. Feel free to call back at your convenience today or tomorrow.

Taylor Barkley

Government Affairs Manager

[Competitive Enterprise Institute](#)

(O) [202.331.2250](tel:202.331.2250) | (C) (b) (6)

[CEI's Agenda for the 115th Congress](#)

From: Loyola, Mario A. EOP/CEQ [[\(b\) \(6\)](mailto:(b) (6))]
Sent: Tuesday, August 1, 2017 9:35 AM
To: Taylor Barkley <Taylor.Barkley@cei.org>
Subject: RE: Meeting request

Dear Taylor, next Tuesday or Wednesday, August 8 or 9, would be great anytime starting 11am. Feel free to give me a call and we can discuss a bit more. Thank you for reaching out.

Mario Loyola

(b) (6)

From: Taylor Barkley [<mailto:Taylor.Barkley@cei.org>]
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Subject: Meeting request

Mario,

Some of us on the CEI team would love to meet with you and others at CEQ about upcoming policy issues. Could you provide a few dates and times that would work well for you and your team over the next month or so?

Thank you!

Taylor Barkley

Government Affairs Manager

[Competitive Enterprise Institute](#)

(O) [202.331.2250](#) | (C) (b) (6)

[CEI's Agenda for the 115th Congress](#)

Accepted: Meeting request

Where: 730 JP 1st FL

When: Tue Aug 08 14:00:00 2017 (America/New_York)

Until: Tue Aug 08 15:00:00 2017 (America/New_York)

Organiser:

Required Attendee:

Optional Attendee:

[EXTERNAL] RE: West wing tour

From: Aparna Mathur <amathur@aei.org>
To: "Loyola, Mario A. EOP/CEQ" <(b) (6)> "Scherbina, Anna D. EOP/CEA" <(b) (6)>
Date: Tue, 26 Sep 2017 17:35:18 -0400

Thanks Mario! How many people can you accommodate at that day and time?

From: Loyola, Mario A. EOP/CEQ (b) (6)
Sent: Tuesday, September 26, 2017 5:05 PM
To: Aparna Mathur; Scherbina, Anna D. EOP/CEA
Subject: RE: West wing tour

Hi Aparna! Unfortunately the only times we can do it during the week are late at night – the earliest time is 9pm on Tuesday and Wednesday next week, but there are too few slots at those times for you and your parents. The only time that's available on the West Wing calendar for visits I could fit all of you in is Wednesday at 10pm. It's not too late for me, I'd be happy to do it. ☺

Mario Loyola
Council on Environmental Quality
(b) (6)

From: Aparna Mathur [mailto:AMathur@AEI.org]
Sent: Tuesday, September 26, 2017 4:54 PM
To: Scherbina, Anna D. EOP/CEA (b) (6); Loyola, Mario A. EOP/CEQ (b) (6)
Subject: [EXTERNAL] RE: West wing tour

Thanks for trying Anna and Mario!! That's really nice of you. I think 10 pm might be too late, but let me check with them and see if we can make it. Are you sure it would be ok to do it so late?

From: Scherbina, Anna D. EOP/CEA (b) (6)
Sent: Tuesday, September 26, 2017 4:25 PM
To: Loyola, Mario A. EOP/CEQ
Cc: Aparna Mathur
Subject: West wing tour

Hi Aparna,
Mario is traveling for the next 2 weekends, and tour slots are not available every day, but he can take you parents and you on a tour next Wed at 10 pm. (Oct 4). Would that work?
I am cc-ing Mario on this email.

10:00 PM 6

Wednesday, 10/04/2017

Anna Scherbina
Senior Economist
Finance, Fintech, Real Estate
Council of Economic Advisors
(b) (6)

[EXTERNAL] RE: West wing tour

From: Aparna Mathur <amathur@aei.org>
To: "Scherbina, Anna D. EOP/CEA" (b) (6), "Loyola, Mario A. EOP/CEQ" (b) (6)
Date: Tue, 26 Sep 2017 16:53:48 -0400

Thanks for trying Anna and Mario!! That's really nice of you. I think 10 pm might be too late, but let me check with them and see if we can make it. Are you sure it would be ok to do it so late?

From: Scherbina, Anna D. EOP/CEA (b) (6)
Sent: Tuesday, September 26, 2017 4:25 PM
To: Loyola, Mario A. EOP/CEQ
Cc: Aparna Mathur
Subject: West wing tour

Hi Aparna,
Mario is traveling for the next 2 weekends, and tour slots are not available every day, but he can take you parents and you on a tour next Wed at 10 pm. (Oct 4). Would that work?
I am cc-ing Mario on this email.

10:00 PM 6

Wednesday, 10/04/2017

Anna Scherbina
Senior Economist
Finance, Fintech, Real Estate
Council of Economic Advisors
(b) (6)

[EXTERNAL] RE: West wing tour

From: Aparna Mathur <amathur@aei.org>

To: "Loyola, Mario A. EOP/CEQ" (b) (6)

Date: Tue, 26 Sep 2017 20:33:45 -0400

ok great! We will be four and two kids if possible..also just FYI, my husband and I have green cards, my sons are US citizens and my parents are visiting from India and are Indian citizens.

From: Loyola, Mario A. EOP/CEQ (b) (6)

Sent: Tuesday, September 26, 2017 8:13 PM

To: Aparna Mathur

Subject: RE: West wing tour

At this point at least 4 not including me.

Mario Loyola

Council on Environmental Quality

(b) (6)

From: Aparna Mathur [mailto:AMathur@AEI.org]

Sent: Tuesday, September 26, 2017 5:35 PM

To: Loyola, Mario A. EOP/CEQ (b) (6); Scherbina, Anna D. EOP/CEA

(b) (6)

Subject: [EXTERNAL] RE: West wing tour

Thanks Mario! How many people can you accommodate at that day and time?

From: Loyola, Mario A. EOP/CEQ (b) (6)

Sent: Tuesday, September 26, 2017 5:05 PM

To: Aparna Mathur; Scherbina, Anna D. EOP/CEA

Subject: RE: West wing tour

Hi Aparna! Unfortunately the only times we can do it during the week are late at night – the earliest time is 9pm on Tuesday and Wednesday next week, but there are too few slots at those times for you and your parents. The only time that's available on the West Wing calendar for visits I could fit all of you in is Wednesday at 10pm. It's not too late for me, I'd be happy to do it. ☺

Mario Loyola

Council on Environmental Quality

(b) (6)

From: Aparna Mathur [mailto:AMathur@AEI.org]

Sent: Tuesday, September 26, 2017 4:54 PM

To: Scherbina, Anna D. EOP/CEA (b) (6); Loyola, Mario A. EOP/CEQ

(b) (6)

Subject: [EXTERNAL] RE: West wing tour

Thanks for trying Anna and Mario!! That's really nice of you. I think 10 pm might be too late, but let me check with them and see if we can make it. Are you sure it would be ok to do it so late?

From: Scherbina, Anna D. EOP/CEA (b) (6)

Sent: Tuesday, September 26, 2017 4:25 PM

To: Loyola, Mario A. EOP/CEQ

Cc: Aparna Mathur

Subject: West wing tour

Hi Aparna,

Mario is traveling for the next 2 weekends, and tour slots are not available every day, but he can take you parents and you on a tour next Wed at 10 pm. (Oct 4). Would that work?

I am cc-ing Mario on this email.

10:00 PM 6

Wednesday, 10/04/2017

Anna Scherbina

Senior Economist

Finance, Fintech, Real Estate

Council of Economic Advisors

(b) (6)

RE: West wing tour

From: "Loyola, Mario A. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=bb39a84d6421465db1f77d6b7f673866-lo">

To: Aparna Mathur <amathur@aei.org>

Date: Tue, 26 Sep 2017 20:13:49 -0400

At this point at least 4 not including me.

Mario Loyola
Council on Environmental Quality

(b) (6)

From: Aparna Mathur [mailto:AMathur@AEI.org]

Sent: Tuesday, September 26, 2017 5:35 PM

To: Loyola, Mario A. EOP/CEQ (b) (6); Scherbina, Anna D. EOP/CEA

(b) (6)

Subject: [EXTERNAL] RE: West wing tour

Thanks Mario! How many people can you accommodate at that day and time?

From: Loyola, Mario A. EOP/CEQ (b) (6)

Sent: Tuesday, September 26, 2017 5:05 PM

To: Aparna Mathur; Scherbina, Anna D. EOP/CEA

Subject: RE: West wing tour

Hi Aparna! Unfortunately the only times we can do it during the week are late at night – the earliest time is 9pm on Tuesday and Wednesday next week, but there are too few slots at those times for you and your parents. The only time that's available on the West Wing calendar for visits I could fit all of you in is Wednesday at 10pm. It's not too late for me, I'd be happy to do it. ☺

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Sent: Tuesday, September 26, 2017 4:54 PM

To: Scherbina, Anna D. EOP/CEA (b) (6); Loyola, Mario A. EOP/CEQ

(b) (6)

Subject: [EXTERNAL] RE: West wing tour

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Wednesday, 10/04/2017

Anna Scherbina
Senior Economist
Finance, Fintech, Real Estate
Council of Economic Advisors
(b) (6)

RE: West wing tour

From: "Loyola, Mario A. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=bb39a84d6421465db1f77d6b7f673866-lo">

To: Aparna Mathur <amathur@aei.org>, "Scherbina, Anna D. EOP/CEA" (b) (6)

Date: Tue, 26 Sep 2017 17:05:17 -0400

Hi Aparna! Unfortunately the only times we can do it during the week are late at night – the earliest time is 9pm on Tuesday and Wednesday next week, but there are too few slots at those times for you and your parents. The only time that's available on the West Wing calendar for visits I could fit all of you in is Wednesday at 10pm. It's not too late for me, I'd be happy to do it. ☺

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Wednesday, 10/04/2017

Anna Scherbina
Senior Economist

Finance, Fintech, Real Estate
Council of Economic Advisors

(b) (6)

Re: [EXTERNAL] RE: West wing tour

From: Aparna Mathur <amathur@aei.org>

To: "Loyola, Mario A. EOP/CEQ" <(b) (6)>

Cc: "Scherbina, Anna D. EOP/CEA" <(b) (6)>

Date: Wed, 27 Sep 2017 13:57:41 -0400

No problem Mario--take care. Hope your family is safe.

Sent from my iPhone

On Sep 27, 2017, at 11:36 AM, Loyola, Mario A. EOP/CEQ <(b) (6)> wrote:

Ladies - sorry to be the bearer of disappointing news but I need to go to Puerto Rico next week. I haven't heard from my father since the hurricane. I'm sure he's fine but I need to go and help however I can. Fast moving situation. I might still cancel my trip in the next day - if so I'll arrange a tour for you for sure.

Mario

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Mario Loyola
Council on Environmental Quality
(b) (6)

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Wednesday, 10/04/2017

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Senior Economist
Finance, Fintech, Real Estate
Council of Economic Advisors
(b) (6)

Re: [EXTERNAL] RE: West wing tour

From: (b) (6)
To: Aparna Mathur <amathur@aei.org>
Cc: "Scherbina, Anna D. EOP/CEA" (b) (6)
Date: Wed, 27 Sep 2017 11:36:38 -0400

Ladies - sorry to be the bearer of disappointing news but I need to go to Puerto Rico next week. I haven't heard from my father since the hurricane. I'm sure he's fine but I need to go and help however I can. Fast moving situation. I might still cancel my trip in the next day - if so I'll arrange a tour for you for sure.

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PM 6

Wednesday, 10/04/2017

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Finance, Fintech, Real Estate
Council of Economic Advisors
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Re: [EXTERNAL] RE: West wing tour

From: "Loyola, Mario A. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlit)/cn=recipients/cn=bb39a84d6421465db1f77d6b7f673866-lo">
To: Aparna Mathur <amathur@aei.org>
Cc: "Scherbina, Anna D. EOP/CEA" (b) (6)
Date: Wed, 27 Sep 2017 11:36:39 -0400

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PM 6

Wednesday, 10/04/2017

Anna Scherbina
Senior Economist
Finance, Fintech, Real Estate
Council of Economic Advisors
(b) (6)

[EXTERNAL] EPWOpening Statement

From: Kathleen Hartnett White <khwhite@texaspolicy.com>

To: "Loyola, Mario A. EOP/CEQ" (b) (6)

Date: Wed, 01 Nov 2017 09:41:04 -0400

Attachments: EPWOpening Statement.docx (19.54 kB)

[EXTERNAL] Please give me a call.

From: Kathleen Hartnett White <khwhite@texaspolicy.com>

To: "Loyola, Mario A. EOP/CEQ" (b) (6)

Date: Fri, 17 Nov 2017 10:13:51 -0500

RE: Please give me a call.

From: "Loyola, Mario A. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=bb39a84d6421465db1f77d6b7f673866-lo">
To: Kathleen Hartnett White <khwhite@texaspolicy.com>
Date: Fri, 17 Nov 2017 10:14:29 -0500

Just tried, please call me at the office number below. Thank you

Mario Loyola
Associate Director, Regulatory Reform
White House Council on Environmental Quality
(b) (6) | (c) (b) (6)

From: Kathleen Hartnett White [mailto:khwhite@texaspolicy.com]
Sent: Friday, November 17, 2017 10:14 AM
To: Loyola, Mario A. EOP/CEQ (b) (6)
Subject: [EXTERNAL] Please give me a call.

[EXTERNAL] Re: NEPA issue in warbler lawsuit

From: Robert Henneke <rhenneke@texaspolicy.com>

To: "Loyola, Mario A. EOP/CEQ" <(b) (6)>

Cc: Ted Hadzi-Antich <tha@texaspolicy.com>, (b) (6)

Date: Tue, 05 Dec 2017 17:00:40 -0500

Mario,

Thank you for your reply. Ted & I left you a voicemail a few minutes ago. So as to avoid missing each other, it might be easiest to schedule a time for a short call. Please let me know if you'd have time tomorrow (Wednesday) morning after 10am EST or after 3pm EST and I will circulate a calendar invite with call-in information.

Thanks,

Rob

From: Mario Loyola (b) (6)

Date: Monday, December 4, 2017 at 10:44 PM

To: Robert Henneke <rhenneke@texaspolicy.com>

Cc: Ted Hadzi-Antich <tha@texaspolicy.com>, "Loyola, Mario A. EOP/ Ceq"

(b) (6)

Subject: Re: NEPA issue in warbler lawsuit

Hi Rob -- thanks for this. Because it's CEQ related, I'm forwarding to my CEQ account. I'll respond from my work computer after I look into something on this.

Best,
Mario

On Mon, Dec 4, 2017 at 5:40 PM, Robert Henneke <rhenneke@texaspolicy.com> wrote:

Mario,

I wanted to bring your attention to p. 12-15 of the attached Order from Judge Sparks last week in our warbler delisting lawsuit. You'll recall that one of the claims in our lawsuit is that NEPA applies to ESA listing actions. Judge Sparks was unpersuaded, and granted DOJ's partial dismissal motion on this issue relying, in part, on the current CEQ guidance on this issue. As you'll see from our arguments and pleadings, we do not believe that the statutes of the ESA or NEPA support CEQ's guidance on this issue.

I would welcome the chance to discuss if you have any questions. Otherwise, I hope this falls within the scope of the NEPA-related issues that you are reviewing at CEQ.

Sincerely,

Rob

+++++

Robert Henneke
General Counsel &
Director, Center for the American Future
Texas Public Policy Foundation
901 Congress Avenue
Austin, Texas 78701
[\(512\) 472-2700](tel:(512)472-2700) (o)
rhenneke@texaspolicy.com
>www.americanfuture.com<
facebook.com/centerfortheamericanfuture
@robhenneke

The contents of this email message and any attachments are intended solely for the addressee(s) named in this message. This communication is intended to be and to remain confidential and may be subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and its attachments. Do not deliver, distribute, or copy this message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.

Re: [EXTERNAL] RE: Pls call

From: "Loyola, Mario A. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=bb39a84d6421465db1f77d6b7f673866-lo">
To: "Michael R. Strain" <michael.strain@aei.org>
Date: Thu, 08 Feb 2018 20:32:56 -0500

Thank you Mike - is there a good time to talk tomorrow?

Mario Loyola
Associate Director, Regulatory Reform
White House Council on Environmental Quality
(o) (b) (6) | (c) (b) (6)

On Feb 8, 2018, at 8:21 PM, Michael R. Strain <Michael.Strain@AEI.org> wrote:

Mario,

Great to hear from you. I'm sorry that I'm just now seeing this. Do you still need to talk? I'm very happy to talk, of course.

My best,

Mike

From: Loyola, Mario A. EOP/CEQ [[\(b\) \(6\)](mailto:(b) (6))]
Sent: Thursday, February 08, 2018 11:20 AM
To: Michael R. Strain <Michael.Strain@AEI.org>
Subject: Pls call

Dear Mike – happy new year, hope you and yours are doing great. Could you please give me a call when you have a few minutes? Thank you.

Mario Loyola
Associate Director, Regulatory Reform
White House Council on Environmental Quality
(o) (b) (6) (c) (b) (6)

Re: [EXTERNAL] RE: Pls call

From: (b) (6)
To: "Michael R. Strain" <michael.strain@aei.org>
Date: Thu, 08 Feb 2018 20:32:56 -0500

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White House Council on Environmental Quality
(o) 2 (b) (6) | (c) (b) (6)

RE: [EXTERNAL] RE: Pls call

From: "Michael R. Strain" <michael.strain@aei.org>

To: "Loyola, Mario A. EOP/CEQ" (b) (6)

Date: Thu, 08 Feb 2018 20:34:29 -0500

I have a lot of time tomorrow, if there's a particularly good time for you. I'm also very happy to hop on the phone now.

Cheers,

M

From: Loyola, Mario A. EOP/CEQ [mailto:(b) (6)]

Sent: Thursday, February 08, 2018 8:33 PM

To: Michael R. Strain <Michael.Strain@AEI.org>

Subject: Re: [EXTERNAL] RE: Pls call

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Associate Director, Regulatory Reform

White House Council on Environmental Quality

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Associate Director, Regulatory Reform
White House Council on Environmental Quality
(b) (6) (c) (b) (6)

[EXTERNAL] RE: Pls call

From: "Michael R. Strain" <michael.strain@aei.org>

To: "Loyola, Mario A. EOP/CEQ" (b) (6)

Date: Thu, 08 Feb 2018 20:21:08 -0500

Mario,

Great to hear from you. I'm sorry that I'm just now seeing this. Do you still need to talk? I'm very happy to talk, of course.

My best,

Mike

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To: Michael R. Strain <Michael.Strain@AEI.org>

Subject: Pls call

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(o) (b) (6) | (c) (b) (6)

Pls call

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To: michael.strain@aei.org

Date: Thu, 08 Feb 2018 11:20:28 -0500

Dear Mike – happy new year, hope you and yours are doing great. Could you please give me a call when you have a few minutes? Thank you.

Mario Loyola
Associate Director, Regulatory Reform
White House Council on Environmental Quality
(o) (b) (6) (c) (b) (6)

Re: [EXTERNAL] RE: Pls call

From: mario.a.loyola@ceq.eop.gov
To: "Michael R. Strain" <michael.strain@aei.org>
Date: Fri, 09 Feb 2018 10:02:02 -0500

How about now?

Mario Loyola
Associate Director, Regulatory Reform
White House Council on Environmental Quality
(o) (b) (6) (c) (b) (6)

On Feb 8, 2018, at 8:34 PM, Michael R. Strain <Michael.Strain@AEI.org> wrote:

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White House Council on Environmental Quality
(o) (b) (6) | (c) (b) (6)

RE: [EXTERNAL] RE: Pls call

From: "Michael R. Strain" <michael.strain@aei.org>

To: "Loyola, Mario A. EOP/CEQ" (b) (6)

Date: Fri, 09 Feb 2018 10:52:59 -0500

[>http://conservativereform.com/wp-content/uploads/2016/07/CRN_Employment_FINAL.pdf<](http://conservativereform.com/wp-content/uploads/2016/07/CRN_Employment_FINAL.pdf)

[>https://www.nationalaffairs.com/publications/detail/a-jobs-agenda-for-the-right<](https://www.nationalaffairs.com/publications/detail/a-jobs-agenda-for-the-right-)

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Subject: Re: [EXTERNAL] RE: Pls call

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White House Council on Environmental Quality
(o) (b) (6) | (c) (b) (6)

On Feb 8, 2018, at 8:21 PM, Michael R. Strain <Michael.Strain@AEI.org> wrote:

Mario,

Great to hear from you. I'm sorry that I'm just now seeing this. Do you still need to talk? I'm very happy to talk, of course.

My best,

Mike

From: Loyola, Mario A. EOP/CEQ [[\(b\) \(6\)](mailto:(b) (6))]
Sent: Thursday, February 08, 2018 11:20 AM
To: Michael R. Strain <Michael.Strain@AEI.org>
Subject: Pls call

Dear Mike – happy new year, hope you and yours are doing great. Could you please give me a call when you have a few minutes? Thank you.

Mario Loyola
Associate Director, Regulatory Reform
White House Council on Environmental Quality
(o) (b) (6) | (c) (b) (6)

Re: [EXTERNAL] RE: Pls call

From: "Loyola, Mario A. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=bb39a84d6421465db1f77d6b7f673866-lo">

To: "Michael R. Strain" <michael.strain@aei.org>

Date: Fri, 09 Feb 2018 10:02:07 -0500

How about now?

Mario Loyola
Associate Director, Regulatory Reform
White House Council on Environmental Quality
(o) (b) (6) (c) (b) (6)

On Feb 8, 2018, at 8:34 PM, Michael R. Strain <Michael.Strain@AEI.org> wrote:

I have a lot of time tomorrow, if there's a particularly good time for you. I'm also very happy to hop on the phone now.

Cheers,

M

From: Loyola, Mario A. EOP/CEQ [[\(b\) \(6\)](mailto:(b) (6))]
Sent: Thursday, February 08, 2018 8:33 PM
To: Michael R. Strain <Michael.Strain@AEI.org>
Subject: Re: [EXTERNAL] RE: Pls call

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(o) (b) (6) (c) (b) (6)

RE: [EXTERNAL] Fwd: TPPF NEPA Comment

From: "Loyola, Mario A. EOP/CEQ" </o=exchange organization/ou=exchange administrative group (fydibohf23spdl)/cn=recipients/cn=bb39a84d6421465db1f77d6b7f673866-lo">
To: rhenneke@texaspolicy.com
Cc: tha@texaspolicy.com
Date: Mon, 20 Aug 2018 14:59:47 -0400

Dear Rob, Ted – thank you very much for these comments, am looking forward to reading them carefully.

Warmly,

Mario Loyola
Associate Director, Regulatory Reform
White House Council on Environmental Quality
(o) (b) (6) (c) (b) (6)

From: Mario Loyola <mario.a.loyola@gmail.com>
Sent: Monday, August 20, 2018 2:48 PM
To: Loyola, Mario A. EOP/CEQ (b) (6)
Subject: [EXTERNAL] Fwd: TPPF NEPA Comment

Begin forwarded message:

From: Robert Henneke <rhenneke@texaspolicy.com>
Date: August 20, 2018 at 2:39:52 PM EDT
To: Mario Loyola (b) (6)
Cc: Ted Hadzi-Antich <tha@texaspolicy.com>
Subject: TPPF NEPA Comment

Mario,

I hope that this email finds you well. I wanted to send you personally a copy of TPPF's comment filed today regarding the proposed NEPA regulation reform. Please let us know if you have any questions and if you or your colleagues at CEQ would have interest to discuss our viewpoint.

Thank you,

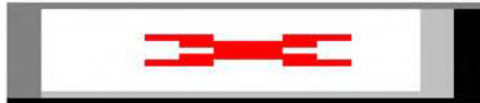
Rob Henneke

[EXTERNAL] Winning for Liberty __

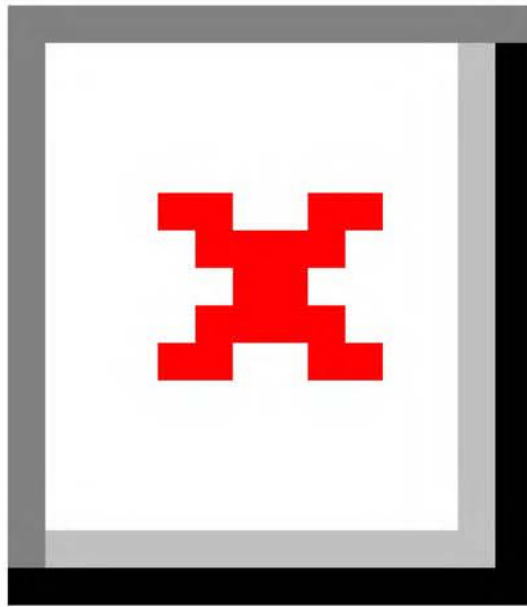
From: Brian Phillips | Texas Public Policy Foundation <communications@texaspolicy.com>

To: "Loyola, Mario A. EOP/CEQ" (b) (6)

Date: Fri, 26 Apr 2019 11:53:23 -0400



When our freedoms are at risk, the Texas Public Policy Foundation will be there fighting for liberty at every level. **Check out our latest wins!**

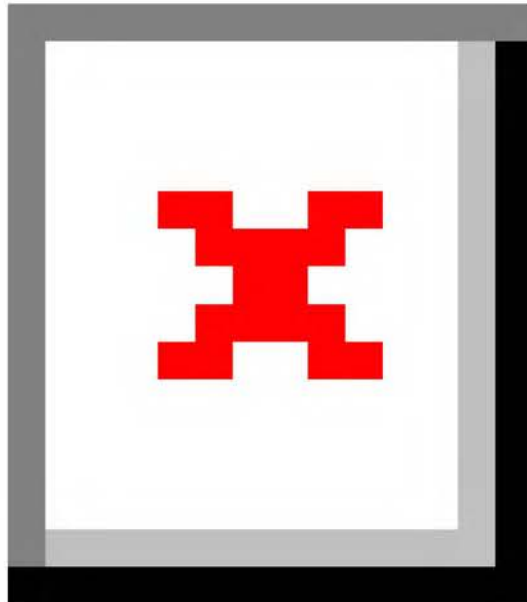


Local Level

TPPF's **Life:Powered** initiative is calling attention to San Antonio's proposed Climate Action and Adaptation Plan, or CAAP.

It would be more accurate to call this plan the Carbon Reduction Action Plan—with a more fitting acronym **CRAP**—as reducing the city's carbon emissions will have no effect on the global climate.

Unfortunately for San Antonio's businesses and especially its poorest residents, any plan for the city to reach "carbon neutrality" by 2050 is bound to dramatically drive up the cost of living, increase taxes, and discourage entrepreneurship and business investment.



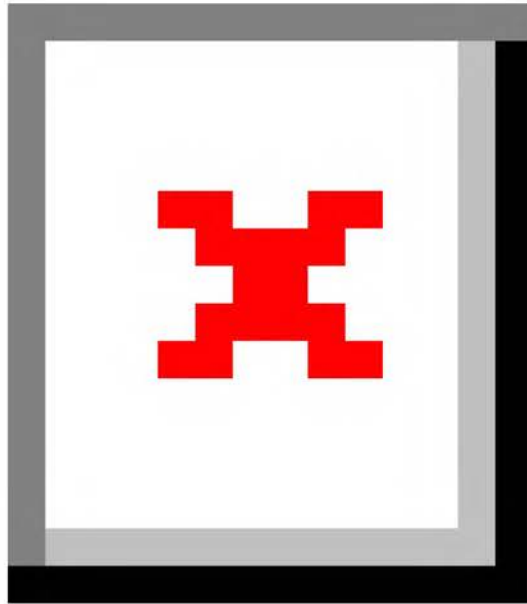
State Level

The full Texas Senate passed Senate Bill 2, the Property Tax Reform & Relief Act of 2019.

“This is a historic reform of our property tax system,” said Texas Public Policy Foundation’s Executive Director Kevin Roberts. “For too long, Texans have suffered from overspending by their local governments, which leads directly to higher tax rates; that is not the road to continued prosperity. Without this reform, the current regime threatens the Texas model of prosperity and opportunity.”

It’s well past time to protect Texas taxpayers by reforming property taxes in Texas.





Federal Level

The Texas Legislature recognized what is painfully obvious to Texans and the citizens of other southern border states: the human trafficking crisis at the border is a national emergency.

We released the following statement from Executive Director Kevin Roberts in support of Sen. Paul Bettencourt's resolution declaring America's border crisis an emergency:

"The federal government has failed in its obligation to fully maintain safety and order at the

border. It poses a serious threat to the security and welfare of Texas and is escalating what is already a grave humanitarian crisis. We hope the Texas Legislature stands with Lt. Governor Dan Patrick, Senator Bettencourt, and all Texans in demanding federal action at the border to enforce our laws and protect Americans."



Without action, government grows and becomes more intrusive in our lives. Join the fight!



Texas Public Policy Foundation

901 Congress Avenue Austin Texas 78701 United States

You received this email because you are subscribed to Less Is More from Texas Public Policy Foundation.

Update your [email preferences](#) to choose the types of emails you receive.

[Unsubscribe from all future emails](#)

RE: [EXTERNAL] response requested to upcoming Scripps DC story on Kathleen Hartnett White- nominated to chair CEQ

From: Kathleen Hartnett White <khwhite@texaspolicy.com>

To: "Loyola, Mario A. EOP/CEQ" (b) (6)

Date: Mon, 18 Dec 2017 19:05:04 -0500

Derekseal@winstead.com

Cell

(b) (6)

From: Loyola, Mario A. EOP/CEQ [mailto:(b) (6)]

Sent: Monday, December 18, 2017 2:33 PM

To: Kathleen Hartnett White <khwhite@texaspolicy.com>

Subject: Fwd: [EXTERNAL] response requested to upcoming Scripps DC story on Kathleen Hartnett White- nominated to chair CEQ

Sent from my iPhone

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From: "Herrgott, Alex H. EOP/CEQ" (b) (6)

Date: December 18, 2017 at 1:37:06 PM CST

To: "Loyola, Mario A. EOP/CEQ" (b) (6)

Subject: Fwd: [EXTERNAL] response requested to upcoming Scripps DC story on Kathleen Hartnett White- nominated to chair CEQ

Can you call me about this.

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Cc: "Ferre, Helen A. EOP/WHO" (b) (6), "Herrgott, Alex H. EOP/CEQ" (b) (6)

Subject: Re: [EXTERNAL] response requested to upcoming Scripps DC story on Kathleen Hartnett White- nominated to chair CEQ

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- CH

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(b) (5)

- CH

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From: "Greenblatt, Mark" <mark.greenblatt@shns.com>

Date: December 18, 2017 at 2:18:21 PM EST

To: "Hurley, Carolina L. EOP/WHO" (b) (6)

Cc: "Helen.A.Ferre@shns.com" (b) (6) <Helen.A.Ferre@shns.com> (b) (6)

Subject: [EXTERNAL] response requested to upcoming Scripps DC story on Kathleen Hartnett White- nominated to chair CEQ

Dear Carolina,

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After the hearing, in answering questions for the record, Ms. White appears to now acknowledge and defend the lowering of test results looking for radiation contamination in drinking water, by subtracting the margin of error away from the results. In her written answers, White also acknowledges being aware of a notice the EPA published on December 7, 2000 stating, *"It is EPA's interpretation that the analytical result...is the number that the laboratory reports, not including (i.e. not adding or subtracting)"* the margin of error.

Ms. White also writes in her answers: "I am aware of the EPA's interpretation of its rule," but says: "While I was at TCEQ, the agency followed TCEQ's interpretation of what the plain language of the rule allowed." She also says, in her answer to question 42 e(ii), that it is accurate the TCEQ included on page 1 of a report prepared for top Texas officials, that

"Maintaining this calculation procedure will eliminate approximately 35 violations" of drinking water standards.

For your further background: the EPA has let us know the following:

*It is not aware of any other state that currently subtracts the margin of error away from test results for radionuclides

*When the EPA delegates regulatory authority over drinking water safety, it does so "*only if (state) regulations are at least as stringent as EPA's.*"

*The EPA also tells us: "*It is also EPA's expectation the (state) agencies would implement their regulations consistent with any applicable regulatory interpretations provided by EPA, such as this one.*"

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I'm writing to ask:

- 1) At the time of her nomination, was the President aware of Ms. White's role in sanctioning the subtraction of the margin of error, from test results for radionuclides in drinking water?
- 2) Does the President believe it is scientifically acceptable to subtract the margin of error away from test results for contaminants in drinking water?
- 3) Would he consider expanding such a practice nationally, if Ms. White was confirmed and advised this practice?
- 4) Does the President still support Ms. White as his nominee to chair CEQ?

Can you please respond by tomorrow, Tuesday December 19, at 5pm?

For your further background in expediting answers, I'm providing the following:

*White's nomination hearing (see 2:05:50 Into the hearing: <https://www.epw.senate.gov/public/index.cfm/hearings?ID=C89CF8F8-14B8-4104-BB67-F333CFC582F5> where she states "*I would never, ever tell staff to underreport health hazards*")

*White's Answers to Questions For the Record (see question 42):

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Mark Greenblatt
Scripps Washington Bureau
1100 13th St. NW #450
Washington, DC 20005
Cell: (b) (6)
Reporting for >>[<<www.scripps.com/markets<<;](http://www.scripps.com/markets) & >>[<<www.newsy.com<<](http://www.newsy.com)

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Washington, DC 20005
Cell: 202-579-5475

Reporting for **>www.scripps.com/markets** & **>www.newsy.com**

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To: "Loyola, Mario A. EOP/CEQ" (b) (6)

Date: Mon, 18 Dec 2017 19:11:33 -0500

Confirm that you have received D Seal contact info.

And please call me asap.

Derek is available to speak tomorrow

KATHLEEN

From: Loyola, Mario A. EOP/CEQ [mailto:(b) (6)]

Sent: Monday, December 18, 2017 2:33 PM

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We're working on a story on Kathleen Harnett White, nominated to chair the CEQ. During her nomination hearing November 8, 2017, Ms. White testified: *"I would never, ever tell staff to underreport health hazards. That's the only statement I wanted to make. And health hazards like this need to be addressed ASAP."*

After the hearing, in answering questions for the record, Ms. White appears to now acknowledge and defend the lowering of test results looking for radiation contamination in drinking water, by subtracting the margin of error away from the results. In her written answers, White also acknowledges being aware of a notice the EPA published on December 7, 2000 stating, *"It is EPA's interpretation that the analytical result...is the number that the laboratory reports, not including (i.e. not adding or subtracting)"* the margin of error.

Ms. White also writes in her answers: “I am aware of the EPA’s interpretation of its rule,” but says: “While I was at TCEQ, the agency followed TCEQ’s interpretation of what the plain language of the rule allowed.” She also says, in her answer to question 42 e(ii), that it is accurate the TCEQ included on page 1 of a report prepared for top Texas officials, that “Maintaining this calculation procedure will eliminate approximately 35 violations” of drinking water standards.

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We’ve also interviewed a radiation science expert, who was appointed under the administration of President George HW Bush to advise the EPA on radiation matters (Dr. Arjun Makhijani), who says what Ms. White did, and continues to defend as logical and reasonable today, is scientifically inappropriate and not defensible.

I’m writing to ask:

- 1) At the time of her nomination, was the President aware of Ms. White’s role in sanctioning the subtraction of the margin of error, from test results for radionuclides in drinking water?
- 2) Does the President believe it is scientifically acceptable to subtract the margin of error away from test results for contaminants in drinking water?
- 3) Would he consider expanding such a practice nationally, if Ms. White was confirmed and advised this practice?
- 4) Does the President still support Ms. White as his nominee to chair CEQ?

Can you please respond by tomorrow, Tuesday December 19, at 5pm?

For your further background in expediting answers, I’m providing the following:

*White’s nomination hearing (see 2:05:50 Into the hearing: >>[<<https://www.epw.senate.gov/public/index.cfm/hearings?ID=C89CF8F8-14B8-4104-BB67-F333CFC582F5](https://www.epw.senate.gov/public/index.cfm/hearings?ID=C89CF8F8-14B8-4104-BB67-F333CFC582F5)<< where she states “*I would never, ever tell staff to underreport health hazards*”)

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*The December 7 2000 federal register notice (attached in a pdf)- where EPA says on page 76727 EPA's interpretation of the rule is not to subtract for margin of error

Mark Greenblatt

Scripps Washington Bureau

1100 13th St. NW #450

Washington, DC 20005

Cell: (b) (6)

Reporting for >>www.scripps.com/markets<<; & >>www.newsy.com<<

FW: [EXTERNAL] response requested to upcoming Scripps DC story on Kathleen Hartnett White- nominated to chair CEQ

From: Kathleen Hartnett White <khwhite@texaspolicy.com>
To: "Loyola, Mario A. EOP/CEQ" (b) (6), Alex Herrgott (b) (6), "Seale, Viktoria Z. EOP/CEQ" (b) (6)
Date: Tue, 19 Dec 2017 11:27:40 -0500

Here are some sample responses that I like.
Kathleen

From: Seal, Derek [mailto:dseal@winstead.com]
Sent: Monday, December 18, 2017 4:40 PM
To: Kathleen Hartnett White <khwhite@texaspolicy.com>; Nasi Mike <mnasi@jw.com>; Gjgibbs <gjgibbs@aep.com>; Wheatley W M <wademwheatley@gmail.com>
Subject: RE: [EXTERNAL] response requested to upcoming Scripps DC story on Kathleen Hartnett White- nominated to chair CEQ

It appears that the media is asking a question based on their own conclusory statements about what they want the testimony to say, which they quote as:

"During her nomination hearing November 8, 2017, Ms. White testified: "I would never, ever tell staff to underreport health hazards. That's the only statement I wanted to make. And health hazards like this need to be addressed ASAP."

I would answer the questions you want to answer, rather than try to answer the loaded questions that have been asked. For example:

"In her testimony, Ms. White said she would have never told agency staff to underreport a health hazard. Her written responses simply states that based on the technical information that Texas' legislative and agency leadership was relying upon, subtracting the rounding error would not have resulted in negative health impacts. Ms. White's testimony was that had she thought radionuclides presented a health hazard, then the issue would have been addressed."

1) At the time of her nomination, was the President aware of Ms. White's role in sanctioning the subtraction of the margin of error, from test results for radionuclides in drinking water? The President is aware that Ms. White made thousands of decisions while she was at TCEQ. Many of those decisions were highly technical and based on her expertise and the expertise of her staff.

2) Does the President believe it is scientifically acceptable to subtract the margin of error away from test results for contaminants in drinking water? Any tests for contaminants in drinking water should be appropriately based on sound, credible science and scientifically appropriate

drinking water standards. Decision makers have to make their decisions based on the credible science.

3) **Would he consider expanding such a practice nationally, if Ms. White was confirmed and advised this practice?** Drinking water should be appropriately tested to ensure that scientifically based drinking water standards are met.

4) **Does the President still support Ms. White as his nominee to chair CEQ?** The Administration has not been provided with any credible reason not to support Ms. White's nomination.

The President

Derek Seal

Winstead PC | 401 Congress Avenue | Suite 2100 | Austin, Texas 78701
512.370.2807 direct | 512.370.2850 fax | dseal@winstead.com | www.winstead.com

From: Kathleen Hartnett White [<mailto:khwhite@texaspolicy.com>]
Sent: Monday, December 18, 2017 3:02 PM
To: Seal, Derek; Nasi Mike; Gjibbs; Wheatley W M
Subject: Fwd: [EXTERNAL] response requested to upcoming Scripps DC story on Kathleen Hartnett White- nominated to chair CEQ

(b)
(5)
[REDACTED]
[REDACTED]
[REDACTED]

Sent from my iPhone

Begin forwarded message:

From: "Loyola, Mario A. EOP/CEQ" (b) (6)
Date: December 18, 2017 at 2:33:02 PM CST
To: "khwhite@texaspolicy.com" <khwhite@texaspolicy.com>
Subject: Fwd: [EXTERNAL] response requested to upcoming Scripps DC story on Kathleen Hartnett White- nominated to chair CEQ

Sent from my iPhone

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Subject: Fwd: [EXTERNAL] response requested to upcoming Scripps DC story on Kathleen Hartnett White- nominated to chair CEQ

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(b) (6)

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Subject: Re: [EXTERNAL] response requested to upcoming Scripps DC story on Kathleen Hartnett White- nominated to chair CEQ

Very. Ha!

- CH

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--

RE: [EXTERNAL] response requested to upcoming Scripps DC story on Kathleen Hartnett White- nominated to chair CEQ

From: Kathleen Hartnett White <khwhite@texaspolicy.com>

To: "Loyola, Mario A. EOP/CEQ" (b) (6)

Date: Tue, 19 Dec 2017 11:10:17 -0500

I had a good call with Derek. He has drafted some proposed responses. And I have some calls out to identify a so-called "radiation expert."

k

From: Loyola, Mario A. EOP/CEQ [mailto:(b) (6)]

Sent: Tuesday, December 19, 2017 9:06 AM

To: Kathleen Hartnett White <khwhite@texaspolicy.com>

Subject: RE: [EXTERNAL] response requested to upcoming Scripps DC story on Kathleen Hartnett White-nominated to chair CEQ

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Mario Loyola

Associate Director, Regulatory Reform

White House Council on Environmental Quality

(o) (b) (6) | (c) (b) (6)

From: Kathleen Hartnett White [mailto:khwhite@texaspolicy.com]

Sent: Monday, December 18, 2017 6:12 PM

To: Loyola, Mario A. EOP/CEQ (b) (6)

Subject: RE: [EXTERNAL] response requested to upcoming Scripps DC story on Kathleen Hartnett White-nominated to chair CEQ

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And please call me asap.

Derek is available to speak tomorrow

KATHLEEN

From: Loyola, Mario A. EOP/CEQ [mailto:(b) (6)]

Sent: Monday, December 18, 2017 2:33 PM

To: Kathleen Hartnett White <khwhite@texaspolicy.com>

Subject: Fwd: [EXTERNAL] response requested to upcoming Scripps DC story on Kathleen Hartnett White- nominated to chair CEQ

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To: Kathleen Hartnett White <khwhite@texaspolicy.com>
Date: Tue, 19 Dec 2017 10:05:57 -0500

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