

Attachment 1



Department of Energy

Washington, DC 20585

February 10, 2011

Mr. Joshua Berman
Natural Resources Defense Council
1200 New York Avenue, NW, Suite 400
Washington, DC 20005

Re: HQ-2011-00601-F

Dear Mr. Berman:

This is an interim response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. 552. You asked for records that reflect communications between the DOE and the Federal Housing Finance Agency and/or the Office of the Comptroller of the Currency regarding Property Assessed Clean Energy (PACE) energy efficiency retrofit programs, and any responses or attachments.

The request has been assigned to the Office of Energy Efficiency and Renewable Energy to conduct a search of its files for responsive records. Upon completion of the search and the review of any records located, you will be provided a response.

In your letter, you agreed to pay up to \$100.00 for fees associated with the processing of the request. You also requested a waiver of processing fees, and stated that disclosure of the information will help to inform the public about the DOE's change of position regarding the PACE program.

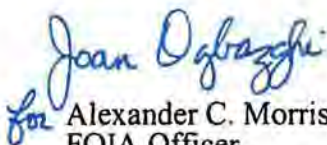
For purposes of assessment of fees, you have been categorized under the DOE regulation at Title 10, Code of Federal Regulations, Section 1004.9(b)(3), as a "news media" requester. Requesters in this category are charged fees for duplication only and are provided 100 pages at no cost.

I have reviewed the information that you provided with your letter to support the request for a fee waiver or reduction and determined that the information satisfies the criteria considered for a waiver of fees. A waiver, therefore, is appropriate for fees that may be incurred because the subject of the request relates to a government activity, and information about the activity could lead to greater public understanding about the matter.

The above referenced number has been assigned to the request and you should refer to it in correspondence with the DOE about this matter. If you have questions about processing the request, please contact Ms. Ruth Mosby in the Office of Energy Efficiency and Renewable Energy at EE-12/Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585. She also can be contacted on (202) 586-8757.

I appreciate the opportunity to assist you. You may contact Ms. Joan Ogbazghi in this office on (202) 586-3595 with any questions about this letter.

Sincerely,


for Alexander C. Morris
FOIA Officer

Office of Information Resources



Exhibit A

Trump EPA pick: still 'some debate' over human role in climate change

At Senate confirmation hearing to lead Environmental Protection Agency, Scott Pruitt defends his relationship with fossil fuel industry



Scott Pruitt testifies on Capitol Hill. The Oklahoma attorney general has sued the EPA 14 times over regulations. Photograph: Aaron P. Bernstein/Getty Images

Oliver Milman in New York

Wednesday 18 January 2017 15.15 EST

Scott Pruitt, Donald Trump's pick to lead the US Environmental Protection Agency, has claimed there is still "some debate" over the role of human activity in climate change and has defended his relationship with the fossil fuel industry during a combative Senate confirmation hearing.

Pruitt, the Oklahoma attorney general, has sued the agency he is now set to lead 14 times over the EPA's smog, mercury and other pollution regulations. Several of these cases are still ongoing and Pruitt said he would recuse himself in dealing with these cases if instructed to do so by the EPA's ethics board.

In testy exchanges with senators including Bernie Sanders and Ed Markey, Pruitt said there was “some debate” over how much influence human activity has upon the climate but rejected the president-elect’s claim that climate change is a “hoax”. Pruitt also said the EPA had a “very important role” in regulating carbon dioxide.

“Science tells us that the climate is changing and that human activity in some manner impacts that change,” he said. “The ability to measure with precision the degree and extent of that impact and what to do about it are subject to continuing debate and dialogue ... so it should be.”

Last year was the warmest on record, scientists announced on Wednesday, with Nasa and Noaa both stressing the primary driver of the warming trend is the burning of fossil fuels and other human activity. Of the 17 hottest years on record, 16 have occurred this century.

Pruitt also seemed uncertain over how much lead can be safely ingested by children, in the wake of the toxic water crisis in Flint, Michigan. “I don’t know,” Pruitt said. “I’ve not looked at the scientific research on that. That’s not something I’ve reviewed nor know about.” The EPA itself states that any amount of lead consumption can be harmful.

Democrats on the Senate committee on environment and public works questioned Pruitt over his repeated challenges to the agency he now seeks to head, as well as his ties to the fossil fuel industry. The oil giant Exxon and coal firm Murray Energy have both given the maximum allowable amount of money to Pruitt, with the Oklahoma attorney general siding with donors 13 times in court cases against the EPA.

One Oklahoma firm, Devon Energy, even drafted a letter for Pruitt that he sent on to the EPA in 2011 under his letterhead with minimal alterations. The letter criticized federal regulations on greenhouse gas emissions from oil and gas producers. A boom in gas fracking activity in Oklahoma has contributed to a surge in earthquakes in the state.

Questioned over this letter by Democrat Jeff Merkley, Pruitt said: “I was representing the interests of the state. It was protecting the interests of the state, it wasn’t sent on behalf of any one company. It was particular to an industry - there’s an oil and gas industry that is vibrant and vital to the state.”

In his opening statement, Pruitt said: “We must reject as a nation the false paradigm that if you’re pro-energy you’re anti-environment and that if you’re pro-environment you’re anti-energy. In this nation we can grow our economy, harvest the resources God has blessed us with as well as being good stewards of the land, air of water by which we’ve been favored.”

Pruitt said he wanted a better partnership with the states, which he said had been subject to “duress and punishment” from the EPA. He said the states had the “resources and expertise” to safeguard America’s environment but accepted that pollution does cross state lines.

Republicans on the committee backed Pruitt, with Senator James Inhofe, who once brought a snowball to the senate floor in an attempt to disprove global warming, citing Pruitt’s fighting of “federal overreach” as praiseworthy. Fellow Republican attorney generals from other states have also supported Pruitt’s nomination.

However, Christine Todd Whitman, who was EPA administrator under George W Bush, warned there may be “war” within the agency unless Pruitt adopted a more conciliatory posture.

“I wish he hadn’t been nominated,” Whitman, a Republican, told Guardian US. “Mother Nature doesn’t care about states’ rights. You need some area of federal oversight to protect human health and the environment. You can’t just turn it back to the states; most of them don’t have the budget to do the scientific research.

“I think this new administration will try to back down some of the regulations and slow down enforcement of the regulations they don’t like. They will starve the agency for money.

“I would hope that Scott Pruitt will understand how important and complicated the EPA is once he gets in there but EPA people are assuming it will be a war. That won’t be pretty for anyone. Unless he makes real strides to outreach and respect the mission, it will be war.”

Thirteen former state EPA chiefs have urged the Senate to reject Pruitt, citing his “deeply troubling” position on climate change and his repeated courtroom challenges to EPA clean air and water standards.

“Rather than EPA acting as our partner in state-led efforts to ensure clean air and water for our residents, we fear that an EPA under Mr Pruitt would undermine the rules that help to make sure that our state regulations are successful,” the group wrote in a letter to the environment and public works committee.

More than 170 environment groups, including the Sierra Club and the Clean Air Task Force, have written a separate missive to senators decrying Pruitt’s views that “run counter to the EPA’s critical mission to protect our health and the environment”. The letter also calls for the Senate to reject the Oklahoma attorney general.

Pruitt is the “worst nominee ever tapped to lead the US Environmental Protection Agency”, according to Rhea Suh, president of the Natural Resources Defense Council.

“He doesn’t have a single environmental achievement to his name, doesn’t believe in the agency’s mission, and has made a career out of suing the EPA to try to block it from doing its job as the guardian of our environment and health,” she added.

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Exhibit B

Donald Trump's Pick for EPA, Scott Pruitt, Testifies That Climate Change Is No Hoax

By **JORDYN PHELPS**

Jan 18, 2017, 3:32 PM ET



Aaron P. Bernstein/Getty Images

WATCH | Donald Trump's Pick for EPA, Scott Pruitt, Calls Human Activity a Factor in Changing Climate

President-elect [Donald Trump](#)'s pick to lead the [Environmental Protection Agency](#), Oklahoma Attorney General Scott Pruitt, testified today at his confirmation hearing on [Capitol Hill](#), telling lawmakers that climate change is no hoax and acknowledging that human activity is a contributing factor to the phenomenon.

"Science tells us that the climate is changing and that human activity in some manner impacts that change," he told the Senate Environment and Public Works Committee. "The ability to measure with precision the degree and extent of that impact and what to do about it are subject to continuing debate and dialogue, and well it should be."

Responding to one senator's question about whether he agrees with Trump's declaration that climate change is "a hoax," which the real estate developer [tweeted in 2014](#), Pruitt said, "I do not believe that climate change is a hoax."

In November, though, Trump told The New York Times, "I think there is some connectivity" between human activity and climate change.



Senate Dems to Grill Trump's EPA Pick Over Energy Donations

Pressed later by independent Sen. Bernie Sanders of Vermont on the controversy, Pruitt said, "I believe the ability to measure with precision the degree of human activity's impact on the climate is subject to more debate on whether the climate is changing or whether human activity contributes to it."

"So you are applying for a job as administrator for the EPA to protect our environment, overwhelming majority of scientists say we have got to act boldly, and you're telling me that there needs to be more debate on this issue?" Sanders went on to ask.

"No, senator, as I've indicated, the climate is changing," Pruitt said, declining to offer his opinion on the matter, saying his personal position is "immaterial."

Pruitt, 48, a lawyer and Kentucky native, has argued that global warming is not a scientifically settled phenomenon.

"Healthy debate is the lifeblood of American democracy, and global warming has inspired one of the major policy debates of our time," he wrote last year in a [National Review opinion piece](#). "That debate is far from settled. Scientists continue to disagree about the degree and extent of global warming and its connection to the actions of mankind."

He also told lawmakers today that his role at the EPA would be to "make things regular" as the administrator of the nation's environmental regulations and that he believes the EPA plays a vital role in ensuring water and air quality and in enforcement on matters that cross state lines.

Trump, in a YouTube video announcing his priorities for his first 100 days in office, pledged, "On energy, I will cancel job-killing restrictions on the production of American energy, including shale energy and clean coal, creating many millions of high-paying jobs."



Oklahoma Attorney General Scott Pruitt testifies during his confirmation hearing before the Senate Committ. . [more +](#)

Pruitt also received tough questioning from Democrats over his multiple suits against the EPA (some of which are still active) and his connections to the oil and gas industry.

On pending litigation, Pruitt said he had "every willingness" to recuse himself from active suits at the direction of EPA lawyers. That pledge fell short of appeasing some Democrats, who say he should take the initiative to recuse himself to avoid any potential conflicts.

Sen. Jeff Merkley, D-Ore., today presented a blown-up copy of a letter that Pruitt sent to the EPA as Oklahoma attorney general that was heavily drafted by oil company Devon Energy.

"Why do you need an outside oil company to draft a letter when you have 250 people working for you?" Merkley asked.

"That was an effort that was protecting the state's interest in making sure that we made the voices of all Oklahomans heard on a very important industry to our state," Pruitt replied.

"But you only sent it on behalf of a single voice, the oil company," Merkley shot back.

Pruitt also responded to a question about the water crisis in Flint, Michigan, where residents continue to grapple with the fallout from contaminated tap water.

"As you know," he said, "under the Clean Water Act and the Safe Drinking Water Act, if there's an emergency situation, the EPA can enter an emergency order to address those kinds of concerns. I think there should have been a more fast response, a more rapid response to Flint, Michigan."

Sen. Tammy Duckworth, D-Ill., followed up on the Flint question later in the hearing, asking Pruitt whether he had studied what happened in the city.

Pruitt said the EPA holds a degree of responsibility for the water crisis there, adding that the agency needs to be "proactive."

ABC News' Michael Edison Hayden contributed to this report.