

ONE HUNDRED TWELFTH 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

March 27, 2012

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

Dear Administrator Jackson:

Pursuant to Rules X and XI of the United States House of Representatives, the Committee is examining the practices of the Environmental Protection Agency (EPA) regarding environmental litigation filed against it and/or other federal agencies. In our letter of October 26, 2011, the Committee sought information about lawsuits settled, pending, or filed since January 1, 2009, as well as information relating to the agency's current process for negotiating and concluding settlements of litigation, including cases in which EPA commits as part of the settlement to undertake new rulemakings.

On February 23, 2012, EPA officials, including representatives of the EPA's Office of the General Counsel, provided a bipartisan briefing for Committee staff on the subject of EPA's first two letters, partially responsive to the Committee's October 26, 2011, request, and received on January 17, 2012, and February 17, 2012, respectively. At this briefing, Committee staff asked about EPA practices and policies relating to EPA staffs' communications with environmental organizations (or their representatives) in connection with ongoing litigation brought against other federal agencies, but not EPA. EPA briefers stated that they were willing to follow up with Committee staff on this matter and accordingly we write to request additional information.

To assist the Committee in identifying whether such communications exist, as well as to better understand EPA's policy concerning such matters, please provide the following documents and information by April 11, 2012:

1. Please provide all communications over the past three years between any EPA employee and any representatives (outside counsel or in-house employees) for the Sierra Club or the Natural Resources Defense Council relating in any way to litigation filed by either of these groups against the U.S. Army Corps of Engineers.

2. Does EPA staff discuss with plaintiff environmental organizations matters relating to ongoing lawsuits against other federal agencies brought by these groups, including, but not limited to, the Sierra Club and the Natural Resources Defense Council? In response to this question, please list all such instances over the past three years.
3. Does EPA have policies and procedures governing such interactions? If not, why not?
4. Is EPA staff interaction with environmental organization litigants on matters relating to active cases against other federal agencies consistent with EPA's policies and procedures?

An attachment to this letter provides additional information about how to respond to the Committee's request.

If you have any questions regarding this request, please contact Sam Spector with the Committee staff at (202) 225-2927.

Sincerely,



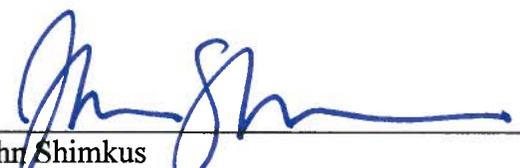
Fred Upton  
Chairman



Cliff Stearns  
Chairman  
Subcommittee on Oversight and Investigations



Ed Whitfield  
Chairman  
Subcommittee on Energy and Power



John Shimkus  
Chairman  
Subcommittee on Environment and the Economy

Attachment

cc: The Honorable Henry A. Waxman, Ranking Member

The Honorable Diana DeGette, Ranking Member  
Subcommittee on Oversight and Investigations

The Honorable Bobby L. Rush, Ranking Member  
Subcommittee on Energy and Power

The Honorable Gene Green, Ranking Member  
Subcommittee on Environment and the Economy