

Congress of the United States
House of Representatives
Washington, D.C. 20515
January 5, 2018

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

Dear Administrator Pruitt:

We write to express our serious concerns regarding the awarding of a \$120,000 no-bid contract¹ (“Contract”) by the U.S. Environmental Protection Agency (EPA) to Definers Public Affairs (“Definers”) to provide “news analysis and brief service focusing on EPA work and other topics of interest to EPA.”² The awarding of this contract without full and open competition³ to a company with no apparent experience in providing these services to a Federal agency⁴ is concerning enough on its own. However, the political activities and affiliations of Definers make this action more alarming.⁵ While Definers recently terminated the contract with EPA, we have outstanding questions regarding EPA’s selection of Definers and whether the Contract was an appropriate use of taxpayer dollars.

Federal records show that on December 7, 2017 EPA contracted with Definers for a total contract value of \$120,000 in a contract not submitted to full and open competition.⁶ Additionally, *The Hill* reported that EPA will utilize the company’s “Definers Console” which, according to Definers’ marketing materials, is a “war room” for “media monitoring/newsclip

¹ EPA Award Number EP18H000025 to Definers Corps. (Dec. 7, 2017) (<https://www.usaspending.gov/Transparency/Pages/TransactionDetails.aspx?RecordID=53D2AF0E-B566-47BB-8EB4-728DAC00CEB7&AwardID=59978626&AwardType=C>) [hereinafter “EPA Award”].

² *Id.*

³ *Id.*

⁴ Rebecca Leber, Andy Kroll and Russ Choma, *The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity*, Mother Jones (December 15, 2017) (<http://www.motherjones.com/politics/2017/12/the-epa-hired-a-major-republican-opposition-research-firm-to-track-press-activity/>).

⁵ Devin Henry, *EPA inks \$120k contract with Republican opposition research firm*, The Hill (Dec. 15, 2017) [hereinafter “Devin Henry”].

⁶ EPA Award, *supra* note 1.

compilation.”⁷ Definers describes the war room as a tool allowing the firm “to identify and react immediately to opportunities arising out of the news cycle and to flag potential challenges and crises before they take on a life of their own.”⁸

This vague description becomes particularly concerning given the other services offered by Definers. The firm offers lobbying services, including “recruiting and mobilizing constituents, local authorities, like minded organizations, and non-traditional allies.” Clearly, these are services which would constitute a violation of the antilobbying prohibitions if included in the EPA contract. Other services offered include working “to validate your [the client’s] narrative through the press and social media platforms” and “interface[ing] directly with reporters and editors both on and off the record, protecting our clients’ identity when desired.” These services, if included in the scope of the contract, would violate the prohibition on covert propaganda by federal agencies.

Especially concerning, Definers offers clients “dossiers on opponents, competitors and agitators ... packaged in easily digestible, media friendly formats.” We are also deeply troubled that individuals on Definers staff have been involved in a “witch hunt against E.P.A. employees” that may have publicly or privately expressed concerns about the Agency or its leadership. According to a December 17, 2017 article in *The New York Times*,⁹ a Senior Vice President of Definers made several Freedom of Information Act (FOIA) requests targeting individual EPA employees who may have either expressed concerns about the direction of the Agency to meet its statutory missions of protecting human health or the environment. *The New York Times* reports that the targeted actions may have included private conversations at an off-site luncheon, a letter to Administrator Pruitt, or attendance at a rally protesting budgetary cuts to the agency.¹⁰

We have become increasingly concerned about the secrecy and lack of transparency from your administration, and this latest report is an alarming new development. Hiring a firm that offers services attacking the press and surveilling your employees threatens the functioning of your agency and potentially the freedom of the press guaranteed by our Constitution.

We request that you respond to the following by January 19, 2018:

1. What was your role in selecting Definers for this award? In addition to yourself, which EPA political appointees were involved in selecting Definers? Please provide all communications between yourself and all other EPA political appointees and any Definers representative between February 17, 2017 and December 7, 2017.

⁷ Devin Henry, *supra* note 5.

⁸ Definers Public Affairs, “What We Do” (<https://www.definersdc.com/services>).

⁹ Eric Lipton and Lisa Friedman, *E.P.A. Employees Spoke Out. Then Came Scrutiny of Their Email*, *The New York Times*, (Dec. 17, 2017).

¹⁰ *See id.*

2. Were you or other EPA political appointees aware of the FOIA requests filed by Definers employees against individual agency employees before the contract was awarded? Were those FOIA requests considered in the identification of Definers as a potential candidate for the Contract, or a factor in ultimately awarding the Contract?
3. Was Definers, America Rising, or any of their agents involved in creating or funding the website ConfirmPruitt.com?
4. Were you, any of your agents, or any current EPA employees involved in generating or reviewing the content of the website ConfirmPruitt.com, or providing or raising funds for the site? Did any representative of Definers, America Rising, or America Rising Squared generate or review content for the website?
5. What work did Definers perform for EPA pursuant to the contract? Please provide a list of all services performed by Definers for EPA during the duration of the contract, including the date, the service provided, time required, the itemized cost, and the name of the Definers employee who performed the work. What was the total amount of taxpayer funds EPA paid Definers during the duration of the contract? Please provide copies of all communications between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network during calendar year 2017.
6. On December 10, *The New York Times* published an article identifying an alarming decrease in enforcement actions brought by the EPA during your administration.¹¹ EPA issued an unusual press release in response, which has since been removed from the Agency website but continues to be cited by conservative media sources. What role did Definers play in the agency's response to the December 10th article? Provide any correspondence between EPA and any representative of Definers, America Rising, America Rising Squared, and the Need to Know Network regarding the December 10th article.
7. What firewalls were in place in the contract with Definers Corp to ensure that Definers firewalled the media monitoring services provided under the Contract from its services that would violate the Publicity or Propaganda Prohibition and Anti-Lobbying provisions?
8. Please provide a copy of the contract between EPA and Definers Corp. including any statement of work.

¹¹ Eric Lipton and Danielle Ivory, *Under Trump, EPA has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers*, New York Times, (Dec. 10, 2017).

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Thank you for your prompt attention to this matter. If you have any questions, please contact Jacqueline Cohen from the Committee on Energy and Commerce Democratic Staff at (202) 225-3641.

Sincerely,



Franks Pallone, Jr.
Ranking Member
Committee on Energy and Commerce



Peter DeFazio
Ranking Member
Committee on Transportation
and Infrastructure



Paul D. Tonko
Ranking Member
Subcommittee on Environment
Committee on Energy and Commerce



Grace F. Napolitano
Ranking Member
Subcommittee on Water Resources
and Environment
Committee on Transportation
and Infrastructure



Betty McCollum
Ranking Member
Subcommittee on Interior,
Environment and Related Agencies
Committee on Appropriations