

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 30, 2012

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

Dear Administrator Jackson:

We write to follow up on your testimony before the joint hearing of the Energy and Power and Environment and the Economy Subcommittees of the Committee on Energy and Commerce on February 28, 2012. During that hearing, Committee members raised several questions concerning information the Environmental Protection Agency (EPA) provides the public with regard to potential rulemaking activities, Tier 3 gasoline regulations, and the agency's budgetary resources.

First, during the hearing you were asked by Representatives Terry and Walden whether EPA would make available in one publicly accessible place on its website the following information: (a) a list of all petitions for rulemakings submitted to the agency; and (b) a list of all notices of intent to sue to compel a rulemaking submitted to the agency. You testified that posting such information would require minimal resources and you committed to making it publicly available.

We write to ask that the agency promptly make this information publicly accessible. In making this information available, we specifically ask that there be a single place on the agency's website where EPA compiles these petitions, notices and requests for agency action, including copies of the documents themselves, and makes them accessible to the public upon receipt. To ensure the usefulness of the information, we also ask that you commit to updating the list and posting any new requests for agency action on a timely basis going forward. We appreciate your commitment to increasing the transparency of EPA's rulemaking process.

Second, as with many other proposed and recently-promulgated EPA rules, new gasoline specifications threaten to increase transportation and other costs for businesses and households, cause job losses, and weaken America's overall global competitiveness – and do so in the midst of a struggling economy. At the hearing, you were asked to confirm the expected scope of the Tier 3 gasoline regulations which we understand you are seeking to propose in early 2012. Specifically, you were asked whether the Tier 3 gasoline regulations would include Reid Vapor Pressure or octane components. You testified that it would not and that the Tier 3 rule would be limited to reducing sulfur. We ask that you confirm in writing that the final rule for Tier 3 gasoline regulations will not include Reid Vapor Pressure or octane components together with your response to the requests that follow.

Third, during the hearing Representatives Burgess, Latta and Gardner inquired of you about EPA's timely reporting of details on its unexpended obligations. The Subcommittee on Oversight and Investigations received testimony this past October that EPA does not report in its annual budget justification information about use of recoveries of unpaid obligations. According to Government Accountability Office (GAO) data, EPA over the past six fiscal years recovered an average of \$200 million per year for use in various accounts. Such information about EPA resources would be useful for Congress as it considers EPA's proposed budget requests.

You testified that such information is provided in EPA's annual financial statements, and that you would look into the matter. We write to ask for a more detailed analysis of recoveries of prior year unpaid obligations, and specifically request that you respond to the following by April 13, 2012:

1. For each of the past ten years, beginning with FY 2002, please provide the annual amount of funding recovered from deobligated balances.
2. Please explain why EPA has not implemented the suggestions of GAO to report in EPA's annual budget justifications information about the portion of prior year funding that was from recoveries of unpaid obligations.
  - a. Can EPA bring forward the information of recovered deobligations in the agency's financial statements and place that information in Congressional budget justifications? If not, why not?
  - b. Will you report this information, by program area, in future EPA Congressional budget justifications?

Thank you for promptly attending to our requests. Should you have any questions, please do not hesitate to contact Peter Spencer of the Majority Committee staff at 202-225-2927.

Sincerely,



Fred Upton  
Chairman



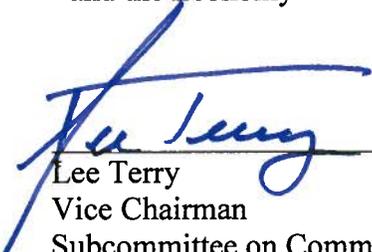
Ed Whitfield  
Chairman  
Subcommittee on Energy and Power



John Shimkus  
Chairman  
Subcommittee on Environment  
and the Economy



Greg Walden  
Chairman  
Subcommittee on Communications  
and Technology



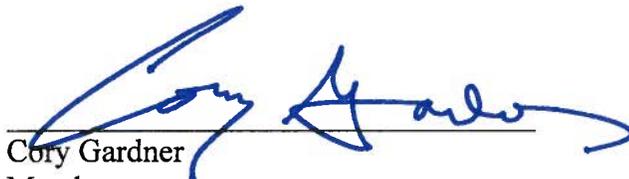
Lee Terry  
Vice Chairman  
Subcommittee on Communications  
and Technology



Michael C. Burgess  
Vice Chairman  
Subcommittee on Health



Robert E. Latta  
Member



Cory Gardner  
Member

cc: The Honorable Henry A. Waxman, Ranking Member

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

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