



February 3, 2025

SUBMITTED ELECTRONICALLY

FOIA Requester Service Center
U.S. Department of the Interior
1849 C Street, NW, MS-7328, MIB
Washington, DC 20240
(202) 513-0765

Re: Freedom of Information Act Request for Records of Communications and Documents Regarding the Endangerment Finding

Dear Freedom of Information Officer:

Environmental Defense Fund (“EDF”) respectfully requests records, as that term is defined at 5 U.S.C. § 552(f)(2) of the Freedom of Information Act (“FOIA”), of U.S. Department of the Interior (“DOI”) activities and communications regarding the Endangerment Finding and possible reassessment of the Finding pursuant to the Unleashing American Energy Executive Order, as detailed below.

The Endangerment Finding is comprised of the two 2009 EPA findings that six greenhouse gases threaten the public health and welfare of current and future generations, and that the combined emissions of these gases from vehicles contribute to the pollution that threatens public health and welfare.¹ This Finding is foundational to EPA’s efforts to set standards to reduce harmful greenhouse gas emissions. President Trump’s January 20, 2025 Executive Order on Unleashing American Energy directs the EPA Administrator to assess “the legality and continuing applicability” of the Finding, “in collaboration with the heads of any other relevant agencies.”

Specifically, EDF requests copies of all correspondence and records detailed below in item (i), that contain any of the search terms detailed below in item (ii):

- (i) correspondence with and/or between any members of the Trump Administration’s DOI transition team and/or any Trump Administration DOI political appointees; and any

¹ U.S. EPA, *Final Rule: Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act*, 74 Fed. Reg. 66496 (Dec. 15, 2009), https://www.epa.gov/sites/default/files/2021-05/documents/federal_register-epa-hq-oar-2009-0171-dec.15-09.pdf.

memos, presentations or other documents created by or shared with and/or among DOI transition team and/or political appointees, including but not limited to:

1. Jessica Bowron,
2. Doug Burgum,
3. Scott Cameron,
4. Walter Cruickshank,
5. Charlie Dankert,
6. Maureen Foster,
7. Karen Hawbecker,
8. Cara Lee Macdonald,
9. Kate MacGregor,
10. Bryan Mercier,
11. Glenda Owens,
12. David Palumbo,
13. John Raby,
14. Sarah Ryker, or
15. Paul Souza.

(ii) EDF requests the correspondence and other records detailed above that contain any of the following search terms:

- Endangerment Finding(s),
- Endangerment and Cause or Contribute Finding(s),
- Endangerment,
- Climate change,
- Greenhouse gas(es),
- Carbon dioxide,
- GHG(s), or
- Joint recommendation(s).

Correspondence includes hard-copy and electronic correspondence including, but not limited to, emails, voice mails, text messages, and correspondence transmitted through any other electronic platform. This request includes correspondence for which any DOI transition team and/or political appointee employees were among the sender(s) and/or recipient(s), regardless of whether the correspondence also included any other sender(s) or recipient(s). EDF also requests all files attached to the emails or other correspondence sent or received by the above-listed individuals, as well as copies of any files obtained via downloadable links within the body of such emails or other correspondence.

EDF respectfully requests records produced, modified, or transmitted since November 6, 2024 that exist as of the date that DOI begins searching for records responsive to this request.

We request that records be produced in a readily accessible electronic format.

If any of the records sought in this request are deemed by the Agency to be properly withheld under a FOIA exemption, 5 U.S.C. § 552(b), please provide EDF with an explanation, for each

such record or portion thereof, sufficient to identify the record and the particular exemption(s) claimed.

Request for Expedited Processing

Pursuant to 5 U.S.C. § 552(a)(6)(E) and 43 C.F.R. §§ 2.10, 2.20(a)(2), EDF respectfully seeks expedited processing based on the “compelling need” that EDF is “primarily engaged in disseminating information” and “[t]here is an urgency to inform the public about actual or alleged Federal Government activity.” In support of this request, I certify that the following statements are true and correct to the best of my knowledge and belief:

1. EDF engages in extensive, daily efforts to inform the public about matters affecting environmental and energy policy, as well as about climate change science and the human health impacts of pollution. EDF has multiple channels for distributing information to the public, including through direct communication with its more than 3 million members and supporters, press releases, blog posts, active engagement on social media, and frequent appearances by staff in major media outlets.²
2. This request concerns Federal Government activity—specifically, the assessment of and possible changes to EPA’s longstanding Endangerment Finding under the Clean Air Act, which forms the basis for numerous standards that reduce climate and air pollution, and for which DOI is understood to be in collaboration with EPA and other agencies.
 - a. President Trump signed the “Unleashing American Energy” Executive Order on his first day in office, directing the EPA Administrator “in collaboration with the heads of any other relevant agencies” to “submit joint recommendations to the Director of OMB on the legality and continuing applicability of the Administrator’s findings, ‘Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act,’ Final Rule, 74 FR 66496 (December 15, 2009).”³ EPA is presumed to be acting in response to this directive.

² See, e.g., EDF Press Release: New Interactive Map Shows Nationwide Pollution from Gas Turbines (Jan. 15, 2025), <https://www.edf.org/media/new-interactive-map-shows-nationwide-pollution-gas-turbines>; Juan Pablo Hoffmaister, *Making Sense of the NCQG Outcome from COP29: A Critical but Insufficient Step Forward for Climate Finance*, EDF Climate 411 (Dec. 23, 2024), <https://blogs.edf.org/climate411/2024/12/23/making-sense-of-the-ncqg-outcome-from-cop29-a-critical-but-insufficient-step-forward-for-climate-finance/>; Maxine Joselow, *Oil companies face a new fine for methane. Trump could scrap it.*, Washington Post (Nov. 12, 2024), <https://www.washingtonpost.com/climate-environment/2024/11/12/methane-fee-epa-cop29/> (quoting Mark Brownstein, Senior VP of Energy for EDF); Niko Kommenda, *See how the Inflation Reduction Act is affecting your community*, Washington Post (Oct. 28, 2024), <https://www.washingtonpost.com/climate-environment/interactive/2024/climate-bill-biden-clean-energy/> (quoting Joanna Slaney, Associate VP of Government Affairs for EDF); David Gelles, *Confronting Our New Reality*, N.Y. Times (Sept. 25, 2024) (quoting Fred Krupp, President of EDF), <https://www.nytimes.com/2024/09/25/climate/climate-change-environment-planet.html>; Ted Kelly, *Building a better grid: The latest steps to deliver reliable, affordable and clean power*, EDF Energy Exchange (June 6, 2024), <https://blogs.edf.org/climate411/2024/06/06/building-a-better-grid-the-latest-steps-to-deliver-reliable-affordable-and-clean-power/>.

³ Unleashing American Energy, Exec. Order § 6(f) (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/unleashing-american-energy/>.

- b. The Endangerment Finding is a Federal Government action that was issued by EPA in 2009. It is a long-established determination grounded in extensive scientific evidence that supports a number of EPA clean air standards that reduce the climate pollution that is contributing to extreme weather events and harming communities across the country. The Endangerment Finding supports numerous pollution-reducing programs, including standards to reduce emissions from the power sector, the oil and gas industry, and the vehicles sector.
 - c. The “Unleashing American Energy” Executive Order specifically directs EPA to “collaborat[e] with the heads of any other relevant agencies” and to “submit joint recommendations” regarding the Endangerment Finding.⁴ DOI collaborates closely and regularly with EPA in the development of pollution-reduction programs—for example, DOI has adopted standards to “reduce the waste of natural gas from venting, flaring, and leaks during oil and gas production activities on Federal and Indian leases” and presented detailed evaluation of the interaction of these standards with EPA standards applicable to the oil and gas sector.⁵ Any interagency collaboration regarding changes to the Endangerment Finding would be anticipated to include DOI as a “relevant agenc[y]” pursuant to the Executive Order.
 3. Responsive records will be vital to inform the public about the information that administration officials may have considered related to the development of the Executive Order and similarly, the communications, information, and engagement officials are considering in forming any joint recommendations related to the Endangerment Finding.
 4. This request concerns a time sensitive matter of concern to the public. The Endangerment Finding has been established since 2009 and is supported by extensive scientific information. However, the above-referenced Executive Order directs administration officials to make recommendations on the “legality and continuing applicability” of the Endangerment Finding within a very short 30-day window. The proceedings that led to the development and subsequent reaffirmation of the Endangerment Finding were subject to public notice and comments. But now, possible government actions to revisit the Finding are occurring in a rushed process outside of public view, absent disclosure of records pursuant to this request. The development of recommendations related to the “legality and continuing applicability” of the Endangerment Finding by EPA, DOI, and other agencies may be completed within a very short time frame and without transparency concerning the basis for those recommendations. Absent expedited processing of this request, the public’s opportunity to understand the basis for any such recommendations will be jeopardized.

⁴ *Id.*

⁵ See U.S. Dep’t of Interior, Bureau of Land Mgmt., *Final Rule: Waste Prevention, Production Subject to Royalties, and Resource Conservation*, 89 Fed. Reg. 25378, 25392 (Apr. 10, 2024) (recognizing relevant EPA standards and explaining their interaction with DOI standards).

Request for Fee Waiver

As a non-partisan, non-profit organization that provides information that is in the public interest, EDF respectfully requests a waiver of fees associated with this request, in accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and 43 C.F.R. § 2.45. We are not seeking information for any commercial purpose and the records received will contribute to a greater public understanding of Federal Government activities that are of considerable public interest: the assessment of and possible changes to EPA’s “Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act,” Final Rule, 74 Fed. Reg. 66,496 (Dec. 15, 2009).

The Endangerment Finding is comprised of the two 2009 EPA findings that six greenhouse gases threaten the public health and welfare of current and future generations, and that the combined emissions of these gases from vehicles contribute to the pollution that threatens public health and welfare.⁶ This Finding is foundational to EPA’s efforts to set standards to reduce harmful greenhouse gas emissions. President Trump’s January 20, 2025 Executive Order on Unleashing American Energy directs the EPA Administrator to assess “the legality and continuing applicability” of the Finding, and in doing so to “collaborat[e] with the heads of any other relevant agencies” to “submit joint recommendations to the Director of OMB on the legality and continuing applicability of the Administrator’s findings.”⁷ Here, EDF requests documents and communications of Trump Administration transition team and political appointees at DOI regarding the Endangerment Finding. DOI collaborates closely and regularly with EPA regarding the pollution-reduction programs supported by the Endangerment Finding.⁸ The interagency collaboration regarding changes to the Endangerment Finding, as directed in the Executive Order, would likely include DOI as a “relevant agenc[y].” Thus, the records requested herein will shed light on EPA actions and related interactions with DOI transition/political appointee staff.

These records are very likely to contribute “significantly” to “public understanding” about government actions taken by the Trump Administration to reassess or potentially alter EPA’s Endangerment Finding. *See* 43 C.F.R. § 2.45(a)(1)-(2). The New York Times reported that “eliminating the endangerment finding would debilitate the agency’s authority to curb emissions from automobile exhaust, power plants, oil and gas wells, factories and more”⁹—which in turn could worsen air quality and have negative health impacts for people across the country. Actions by the Federal Government in this space are of considerable public interest.

⁶ U.S. EPA, *Final Rule: Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act*, 74 Fed. Reg. 66496 (Dec. 15, 2009), https://www.epa.gov/sites/default/files/2021-05/documents/federal_register-epa-hq-oar-2009-0171-dec.15-09.pdf.

⁷ Unleashing American Energy, Exec. Order § 6(f) (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/unleashing-american-energy/>.

⁸ *See, e.g.*, U.S. Dep’t of Interior, Bureau of Land Mgmt., *Final Rule: Waste Prevention, Production Subject to Royalties, and Resource Conservation*, 89 Fed. Reg. 25378, 25392 (Apr. 10, 2024) (recognizing relevant EPA methane mitigation standards and explaining their interaction with DOI standards to reduce natural gas waste from oil and gas production activities on Federal and Indian leases).

⁹ Karen Zraick & Lisa Friedman, *Inside Trump’s Renewed Effort to Undo a Major Climate Rule*, N.Y. Times (Jan. 28, 2025), <https://www.nytimes.com/2025/01/28/climate/trump-endangerment-finding-epa.html>.

EDF is well positioned to disseminate the records to the public, as we routinely issue press releases, action alerts, reports, analyses, and other public outreach materials, *see supra* note 2. We are also well qualified to present the records to the public in a manner that clearly conveys their value, and we fully intend to disseminate information received in response to this request that is informative, newsworthy, or otherwise of value to the public. Accordingly, we respectfully request that the documents be furnished without charge.

In the event EDF's request for a fee waiver is denied or if you have any questions about this request, please contact me immediately by telephone at (202) 572-3525 or by email at emurphy@edf.org.

Respectfully submitted,

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