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ONE HUNDRED TENTH CONGRESS

# Congress of the United States

## House of Representatives

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January 14, 2008

The Honorable Stephen L. Johnson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Johnson:

On December 20, 2007, I wrote to request that you provide the Committee with documents relating to your decision to reject California's efforts to reduce greenhouse gas emissions. I requested that the documents be produced on a rolling schedule, starting on January 10 with responsive documents from your immediate office. On January 4 and January 11, 2008, your staff responded to my letter, but did not provide any documents.

I appreciate the efforts EPA is taking to collect responsive documents, but I am concerned about the failure of the agency to meet the Committee's January 10 deadline. I am also concerned that no schedules for document production are proposed in your letters.

In an effort to accommodate the agency without unduly delaying the Committee's investigation, I ask that your staff work with Committee staff to establish by the close of business on January 16 mutually agreeable deadlines for producing documents to the Committee.

The Committee will also be conducting transcribed interviews or depositions of agency staff who may have knowledge of the agency's deliberations. As a first step in this process, I request that a schedule be established by the close of business on January 16 for the interview or deposition of the following officials:

- Robert Meyers, Principal Deputy Assistant Administrator, Office of Air and Radiation
- Jason Burnett, Associate Deputy Administrator, Office of the Administrator
- Margo Oge, Director, Office of Transportation and Air Quality
- Karl Simon, Director, Compliance and Innovative Strategies Division, Office of Transportation and Air Quality
- Brian McLean, Director, Office of Atmospheric Programs
- Dina Kruger, Director, Climate Change Division, Office of Atmospheric Programs

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- Rob Brenner, Director, Office of Program Analysis and Review

In prior investigations, the Committee has allowed counsel representing the agency to be present during transcribed interviews. In this case, since your own conduct is being examined, this accommodation would not be appropriate, although counsel employed by the agency may participate if they certify that their presence is as counsel for the witness. Attachments to this letter provide additional information about Committee interview and deposition procedures.

If you have any questions concerning this request, please have your staff contact Greg Dotson of the Committee staff at (202) 225-4407.

Sincerely,



Henry A. Waxman  
Chairman

Enclosures

cc: Tom Davis  
Ranking Minority Member