



Oklahoma Office of the Attorney General

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Attorney General Pruitt Leads Effort to Uncover EPA's Apparent "Sue and Settle" Strategy

Agency acting to bypass Congress; outcome raises utility rates

OKLAHOMA CITY – Attorney General Scott Pruitt and 12 other attorneys general sent a federal records request Friday to the U.S. Environmental Protection Agency, requesting access to documents related to the agency's apparent new "sue and settle" strategy with environmental groups.

The request, sent under the Freedom of Information Act, is in response to multiple lawsuits filed by environmental organizations against the federal government during the past three years. In some instances, the EPA entered a consent decree the same day the lawsuit was filed, demonstrating prior knowledge. The agreements have led to new rules and regulations for states without allowing attorneys general to enter the process to defend the interest of states, businesses and consumers.

"This appears to be a blatant strategy by the EPA to go around the process and bend the rules to create environmental regulations that have failed in Congress," Pruitt said. "We are investigating the pervasiveness of this tactic, and have requested documents to help in that effort. If the EPA is making backdoor deals with environmental groups to push their agenda on the American people while bypassing the states and Congress, we need to know."

The FOIA letter requests electronic and print documents that involve several organizations, including Greenpeace, Defenders of Wildlife, WildEarth Guardians, Sierra Club and the AFL-CIO.

Out of the 45 settlements made public, the EPA has paid nearly \$1 million in attorneys' fees to the environmental groups, while also committing to develop sweeping new regulations. One EPA consent decree led to the EPA's costliest regulation ever – the Mercury Air Toxics Standards (MATS).

"Not only does EPA's action harm and jeopardize the States' role as a partner with EPA, but it harms the interests of the citizens of the Requesting States," the attorneys general wrote in the request letter.

"Our citizens rely on and expect the States to implement federal environmental law. Often, these implementation efforts require the States to design plans to meet the individual circumstances of the State, while protecting and advancing the environmental goals and requirements of federal environmental law. When EPA coordinates with non-governmental organizations regarding how federal environmental law should be applied and implemented in an individual State and excludes the State from that effort, the State and its citizens are harmed."

Attorneys general said a written justification from the EPA may help avoid litigation.

Once the documents are received, the requesting states will analyze the data and produce a report as part of the ongoing review of the EPA's operations. The report will be disseminated to each state as well as to the news media and Congress as a component of the AGs' active involvement in state efforts to address environmental issues.

For a copy of the request, go online to www.oag.ok.gov.

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