

June 21, 2018

The Hon. Scott Pruitt  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20004

**RE: Open Letter to Scott Pruitt Concerning the Legal Defense Fund**

Dear Administrator Pruitt:

On May 21, 2018, four senators sent you a formal request for information regarding the name, structure, fundraising activities and disclosure requirements for your legal defense fund. The request for information about your legal defense fund, signed by Sens. Chris Van Hollen (D-Md.), Thomas Carper (D-Del.), Tom Udall (D-N.M.) and Sheldon Whitehouse (D-R.I.), asked that the information be provided within 10 business days.<sup>1</sup> That time period has long passed and there remains no record of the operations and fundraising of your legal defense fund.

We write to follow up on this request for information about your legal defense fund to ensure that the fund is not acting in violation of the conflict of interest code and implementing ethics regulations, most notably 5 C.F.R. §2635, the Standards of Ethical Conduct for Employees of the Executive Branch.

In your testimony before the Senate Committee on Appropriations, Subcommittee on Interior, Environment and Related Agencies on May 16, 2018, you confirmed that you had established a legal defense fund and committed that the fund would abide by ethics rules and regulations, including the disclosure requirements.

An over-arching problem, however, is that the Office of Government Ethics (OGE) has offered little guidance for the implementation and operations of legal defense funds for executive branch personnel. OGE has provided only informal advice on how such funds should be managed. That leaves a great deal of discretion to the executors of these funds, and highlights why it is so important that you provide Congress, the EPA Designated Agency Ethics Official (DAEO) and the public, information and documentation as to the structure and conduct of your legal defense fund.

If a legal defense fund is not carefully set up and administered, there are many ways the fund may run afoul of executive branch ethics rules. Given the large number of ethics scandals now under investigation at the EPA, further scandals should be avoided by you and the agency.

As such, we reiterate the earlier request of the four senators, and ask that you respond to their letter with answers concerning how your legal defense fund is being managed, how the fund

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<sup>1</sup> Letter to The Hon. Scott Pruitt from Sens. Van Hollen, Carper, Udall and Whitehouse (May 21, 2018), available at: <https://www.vanhollen.senate.gov/imo/media/doc/5.21.18%20Followup%20Letter%20to%20Pruitt%20on%20Legal%20Defense%20Fund.pdf>

intends to comply with the ethics rules, including source prohibitions and disclosure requirements for its fundraising activities, and disclose the names, dates and contribution levels of contributors to the fund.

Sincerely,

American Bridge 21<sup>st</sup> Century  
American Oversight  
Campaign for Accountability  
Center for Media and Democracy  
Common Cause  
Democracy 21  
Denver Catholic Network  
Earthjustice  
EDF Action  
End Citizens United  
Endangered Species Coalition  
Environmental Integrity Project  
Environmental Working Group  
Every Voice  
Friends of the Earth  
Green For All  
GreenLatinos  
Greenpeace  
Hip Hop Caucus  
League of Conservation Voters  
National LGBTQ Task Force  
Natural Resources Defense Council (NRDC)  
People For the American Way  
Public Citizen  
Revolving Door Project  
Save EPA  
Sierra Club  
Sunlight Foundation  
Prof. James A. Thurber

cc: Kevin S. Minoli, DAEO, Environmental Protection Agency  
David Apol, Acting Director, Office of Government Ethics  
Sen. Chris Van Hollen  
Sen. Thomas Carper  
Sen. Tom Udall  
Sen. Sheldon Whitehouse