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.¹ 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

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 21st 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