



June 27, 2019

The Honorable Andrew Wheeler  
Administrator  
United States Environmental Protection Agency  
Washington, DC 20460

Re: November 14, 2018 Request for Correction Number 19002 Pertaining to the Bristol Bay Watershed Assessment

Dear Administrator Wheeler:

On November 14, 2018, the Competitive Enterprise Institute filed a [Request for Correction](#) (RSC) regarding the Environmental Protection Agency's Bristol Bay Watershed Assessment (BBWA) and consequent agency action that effectively rejected the Pebble Mine project in Alaska. As discussed in the request, the BBWA fell well short of the standards set out in the Information Quality Act and your agency's implementing guidelines. What made this request fairly unique is that your agency compiled the BBWA and used it to reject the project before the Army Corps of Engineers had commenced its far more rigorous Environmental Impact Statement (EIS) process pursuant to law under the National Environmental Policy Act (NEPA). In other words, EPA's actions pre-empted a process that conforms much more closely to the requirements of the Information Quality Act.

On March 20, 2019, we sent you a [letter](#) reiterating our strong interest in resolving this issue, especially in light of the fact that the Army Corps of Engineers' [assessment](#) of the Pebble Mine project was now underway. That assessment is indeed proving itself to be everything the BBWA was not in terms of meeting both the procedural and substantive requirements of the Information Quality Act. Nonetheless, the NEPA process may be derailed by EPA's actions prejudging the outcome and potentially rendering it moot.

The most recent communications from your agency regarding CEI's request were a February 13, 2019 letter promising to respond to the petition by June 21, 2019, followed by another letter dated June 20, 2019 stating that an unspecified additional amount of time will be needed. This is unacceptable. We now reiterate our strong interest in the immediate resolution of this matter.

We would also note that on April 24, 2019, The Office of Management and Budget issued a [Memorandum](#), "Improving Implementation of the Information Quality Act." This administration-wide Memorandum included the procedural requirement that "agencies will not

take more than 120 days to respond to an RFC without the concurrence of the party that requested the request for correction.” This deadline has long passed and CEI has no intention of agreeing to an extension.

In addition, it is worth noting that several of the substantive reforms in the Memorandum, especially those requiring the disclosure of underlying assumptions and the accurate characterization of probabilities and uncertainties, further underscores that the BBWA fails under the Information Quality Act and is out of step with the Trump administration’s stated priorities.

We urge you to adhere to both the deadlines and the substance of the Memorandum by immediately withdrawing the BBWA.

Respectfully Submitted,

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