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February 8, 2017

U.S. Department of Justice  
Public Integrity Section  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

To whom it may concern:

We urge the Department of Justice to investigate whether Scott Pruitt violated Sec. 1001 of Chapter 47 of Title 18 when he provided testimony before the Senate Committee on Environment and Public Works on January 18, 2017 during his confirmation hearing to be the Administrator of the Environmental Protection Agency (EPA).

In particular, we urge the Department of Justice to investigate whether Mr. Pruitt knowingly and willfully made “any materially false, fictitious or fraudulent statement or representation” or made “any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry” with respect to a “matter within the jurisdiction of the legislative branch,” such as the Committee’s “investigation or review” of Mr. Pruitt’s qualifications to serve as Administrator of the EPA.

As you conduct this review, we urge the Department of Justice to consider the following statements Mr. Pruitt made to the Senate Committee on Environment and Public Works:

- In his testimony, Mr. Pruitt denied that he had previously said the EPA should not regulate mercury emissions.<sup>1</sup> In fact, Pruitt had argued in a legal filing that EPA violated the law by regulating mercury and “the record does not support EPA’s findings that mercury . . . pose[s] public health hazards.”<sup>2</sup>
- In response to questions for the record, Mr. Pruitt stated that he had “personally and substantially” participated in 10 legal actions against the EPA.<sup>3</sup> In fact, by Mr. Pruitt’s own count the office of the Oklahoma Attorney General was a party to 17 legal actions against the EPA and signed amicus briefs in 9 other suits.<sup>4</sup>

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<sup>1</sup> *Hearing on Nomination of Attorney General Scott Pruitt to be Administrator of the U.S. Environmental Protection Agency before the S. Comm. on Environment and Public Works*, 115th Cong. 37 (2017) (statement of Scott Pruitt, Attorney General, State of Oklahoma), [https://www.epw.senate.gov/public/\\_cache/files/1291a5e0-b3aa-403d-8ce3-64cb2ef86851/spw-011817.pdf](https://www.epw.senate.gov/public/_cache/files/1291a5e0-b3aa-403d-8ce3-64cb2ef86851/spw-011817.pdf) (“there was no argument that we made from the State perspective that mercury is not a hazardous air pollutant under Section 112”).

<sup>2</sup> See Joint Brief of State, Industry, and Labor Petitioners at 23, *White Stallion Energy Center LLC v. U.S. EPA*, No. 12-1100 (D.C. Cir. Oct. 23, 2012), <http://www.edfaction.org/sites/default/files/Joint%20Brief.pdf>.

<sup>3</sup> *Honorable E. Scott Pruitt, Responses to Questions for the Record, Nomination of Attorney General Scott Pruitt to be Administrator of the Environmental Protection Agency*, 115th Cong. 14 (Jan. 18, 2017), [http://www.epw.senate.gov/public/\\_cache/files/6d95005c-bd1a-4779-af7e-be831db6866a/scott-pruitt-qfr-responses-01.18.2017.pdf](http://www.epw.senate.gov/public/_cache/files/6d95005c-bd1a-4779-af7e-be831db6866a/scott-pruitt-qfr-responses-01.18.2017.pdf).

<sup>4</sup> *Honorable E. Scott Pruitt, Supplemental Materials to Responses to Questions for the Record, Nomination of Attorney General Scott Pruitt to be Administrator of the Environmental Protection Agency*, 115th Cong. 1-2 (Jan. 18, 2017),

- Mr. Pruitt testified that a 2013 agreement<sup>5</sup> for the first time subjected Arkansas polluters to Oklahoma’s water quality standard for the Illinois River.<sup>6</sup> In fact, Arkansas polluters have been subject to Oklahoma’s standard since 2003.<sup>7</sup>
- Mr. Pruitt testified that he filed “briefs in support of the court making a decision” in pending litigation against poultry companies.<sup>8</sup> In fact, he did not take such actions to encourage resolution of pending litigation against poultry companies.
- Mr. Pruitt testified that Oklahoma’s attorney general has limited authority to bring actions against polluters.<sup>9</sup> In fact, Oklahoma’s has broad authority under Oklahoma law to prosecute polluters.<sup>10</sup>
- Mr. Pruitt referenced a list as evidence that he initiated environmental enforcement actions as Oklahoma’s attorney general.<sup>11</sup> In fact, nearly all of the actions on the list were initiated by his predecessor.
- In particular, Mr. Pruitt cited a consent decree with Mahard egg farm as “something we actually initiated.”<sup>12</sup> In fact, the investigation and consent decree were initiated by his predecessor and merely finalized by Mr. Pruitt.
- Mr. Pruitt testified that he had “not reviewed, nor know about” safe lead levels<sup>13</sup> even though the state of Oklahoma recalculated a lead clean-up standard for Blackwell, Oklahoma in May 2016.<sup>14</sup>

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[http://www.epw.senate.gov/public/\\_cache/files/daf68bcb-f572-4a90-b0bb-6da7c4790603/scott-pruitt-qfr-supplemental-materials-01.18.2017.pdf](http://www.epw.senate.gov/public/_cache/files/daf68bcb-f572-4a90-b0bb-6da7c4790603/scott-pruitt-qfr-supplemental-materials-01.18.2017.pdf)

<sup>5</sup> Second Statement of Joint Principles and Actions (Feb. 20, 2013),

<https://www.ok.gov/conservation/documents/IRSecond%20StmtofJoint%20Principles%20and%20Actions.pdf>

<sup>6</sup> *Hearing on Nomination of Attorney General Scott Pruitt to be Administrator of the U.S. Environmental Protection Agency before the S. Comm. on Environment and Public Works*, 115th Cong. 162-63 (2017) (statement of Scott Pruitt, Attorney General, State of Oklahoma), [https://www.epw.senate.gov/public/\\_cache/files/1291a5e0-b3aa-403d-8ce3-64cb2ef86851/spw-011817.pdf](https://www.epw.senate.gov/public/_cache/files/1291a5e0-b3aa-403d-8ce3-64cb2ef86851/spw-011817.pdf) (“That is what presented my office with the opportunity to go to Arkansas to ensure that the .037 standard would actually be enforced from a state law perspective on that side of the border. That had never taken place in history.”)

<sup>7</sup> Statement of Joint Principles and Actions (Dec. 18, 2003), <https://assets.documentcloud.org/documents/3288855/Oklahoma-Arkansas-Joint-Principles-and-Actions.pdf>.

<sup>8</sup> *Hearing on Nomination of Attorney General Scott Pruitt to be Administrator of the U.S. Environmental Protection Agency before the S. Comm. on Environment and Public Works*, 115th Cong. 247 (2017) (statement of Scott Pruitt, Attorney General, State of Oklahoma), [https://www.epw.senate.gov/public/\\_cache/files/1291a5e0-b3aa-403d-8ce3-64cb2ef86851/spw-011817.pdf](https://www.epw.senate.gov/public/_cache/files/1291a5e0-b3aa-403d-8ce3-64cb2ef86851/spw-011817.pdf).

<sup>9</sup> *Hearing on Nomination of Attorney General Scott Pruitt to be Administrator of the U.S. Environmental Protection Agency before the S. Comm. on Environment and Public Works*, 115th Cong. 96 (2017) (statement of Scott Pruitt, Attorney General, State of Oklahoma), [https://www.epw.senate.gov/public/\\_cache/files/1291a5e0-b3aa-403d-8ce3-64cb2ef86851/spw-011817.pdf](https://www.epw.senate.gov/public/_cache/files/1291a5e0-b3aa-403d-8ce3-64cb2ef86851/spw-011817.pdf) (“Our state has not provided constitutionally as much authority as other States. . .”).

<sup>10</sup> For example, Okla. Stat. tit. 74 § 18b(2) provides that the Oklahoma attorney general has a duty to “initiate or appear in any action in which the interests of the state or the people of the state are at issue.” For a full list of applicable statutory authority, see Oklahoma Attorney General Selected Administrative, Civil, and Criminal Environmental Enforcement Authority, [https://cdn.ewg.org/sites/default/files/u352/Selected%20Oklahoma%20AG%20State%20Law%20Environmental%20Enforcement%20Authority.pdf?\\_ga=1.103326792.956241708.1474307134](https://cdn.ewg.org/sites/default/files/u352/Selected%20Oklahoma%20AG%20State%20Law%20Environmental%20Enforcement%20Authority.pdf?_ga=1.103326792.956241708.1474307134).

<sup>11</sup> See List of Oklahoma Environmental Cases provided by Attorney General Scott Pruitt,

<https://www.documentcloud.org/documents/3288863-Oklahoma-Environmental-Cases-2016.html>.

<sup>12</sup> *Hearing on Nomination of Attorney General Scott Pruitt to be Administrator of the U.S. Environmental Protection Agency before the S. Comm. on Environment and Public Works*, 115th Cong. 125 (2017) (statement of Scott Pruitt, Attorney General, State of Oklahoma), [https://www.epw.senate.gov/public/\\_cache/files/1291a5e0-b3aa-403d-8ce3-64cb2ef86851/spw-011817.pdf](https://www.epw.senate.gov/public/_cache/files/1291a5e0-b3aa-403d-8ce3-64cb2ef86851/spw-011817.pdf).

<sup>13</sup> *Hearing on Nomination of Attorney General Scott Pruitt to be Administrator of the U.S. Environmental Protection Agency before the S. Comm. on Environment and Public Works*, 115th Cong. 162-63 (2017) (statement of Scott Pruitt, Attorney General, State of Oklahoma), [https://www.epw.senate.gov/public/\\_cache/files/1291a5e0-b3aa-403d-8ce3-64cb2ef86851/spw-011817.pdf](https://www.epw.senate.gov/public/_cache/files/1291a5e0-b3aa-403d-8ce3-64cb2ef86851/spw-011817.pdf).

<sup>14</sup> Oklahoma Department of Environmental Quality, *Explanation of Significant Difference, Blackwell Zinc Soil Cleanup 2* (May 2016), <https://applications.deq.ok.gov/vcpweb/download.ashx?barcode=LPVCP00002619DEQ&recorddate=2016-05-24T09:17:09.170&docType=PDF>.

We urge the Department of Justice to carefully review the testimony and response provided by Mr. Pruitt to the Committee to determine whether he knowingly and willfully made false or misleading statements or representations.

Thank you for your consideration of this request.

Sincerely,

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President  
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