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# Congress of the United States
## House of Representatives

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VICE-CHAIR
NUCLEAR CLEANUP CAUCUS

April 4, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Pruitt,

Congratulations on your recent confirmation as Administrator of the Environmental Protection Agency (EPA). I have the privilege of representing Washington's 4th congressional district in the U.S. House of Representatives, which, along with the State of Washington, has regular interactions with your agency on numerous matters. I look forward to working closely with you on the issues of importance to our district, state, and region.

I write to you today regarding one of those issues – a subgrant awarded to the Swinomish Tribe through an EPA grant to the Northwest Indian Fisheries Commission (NWIFC), which funded a campaign known as "What's Upstream." I believe this misguided campaign has unacceptably used taxpayer dollars to malign our nation's farmers and agriculture producers, and label them as careless polluters of our waterways. It is evident that this campaign violated federal laws and policies that prohibit federal funds from being used for lobbying and propaganda efforts, which occurred when the Swinomish Tribe used award funds to pay for campaign materials and a website encouraging members of the public to lobby their Washington State legislators to adopt stricter environmental regulations targeting agriculture. The EPA's Office of Inspector General (OIG) is already in the process of conducting an investigation into the scope and nature of potential violations.

I would first ask, under your new tenure at EPA, that this investigation be allowed to continue and conclude as expeditiously as is possible and appropriate. This campaign has had the unfortunate effect of eroding the trust between EPA and our region's agricultural community. Completing the OIG investigation and taking steps to bring accountability for any wrongdoing would go a long way to begin restoring this vital relationship. I was heartened by remarks that Ray Starling, President Trump's special assistant on agriculture, trade, and food assistance, delivered to the National Press Club on March 21st, 2017, where he stated "this administration will not allow the EPA to give taxpayer dollars to activist groups who then turn around and put up billboards that attack our farmers and ranchers." To ensure this goal is reached, it is imperative that we enact safeguards of taxpayer funds.

"What's Upstream" is only one in a recent series of events, undertaken by the previous Administration, where EPA has either been suspected of, or found to have violated, federal lobbying and propaganda laws and prohibitions. On December 14, 2015, the Government Accountability Office (GAO) issued a report finding that EPA violated anti-lobbying laws in using social media platforms to promote EPA's Waters of the United States (WOTUS) rule. On April 19, 2016, in response to this disturbing trend, and when specifically asked about the "What's Upstream" Campaign, then-EPA Administrator Gina McCarthy committed to the Senate Committee on Environment and Public Works that the Agency would review its grant protocols to ensure good stewardship of taxpayer dollars and prevent future misuses of EPA funds and grants. After multiple attempts from my office, and other Members of Congress, to request a status update on this internal review, it became apparent that no steps were being taken to fulfill Administrator McCarthy's pledge, and EPA staff insisted they would wait for the previously mentioned OIG report before the Agency would even consider committing to a good-faith review. I would request that your Agency carry out this review to ensure appropriate use of taxpayer dollars, which is very important to the Congress and is critical to restoring public trust.

Finally, I am including a letter I sent to Administrator McCarthy on December 6, 2016, following up on a number of questions that were raised during an EPA staff briefing I received on this subject, as well as the response I received from EPA Region 10 Administrator Dennis McLerran on behalf of Administrator McCarthy. As you will note, a great number of my initial inquires went unaddressed. While I appreciate that some of the staff most familiar with this case may have departed with the previous Administration, I would kindly request that you and your staff assist in responding to the questions that went unanswered by the previous administration. I believe that responses to many of these questions will be very instructive to Congress on how to best address the specific case of "What's Upstream," and also will help direct ongoing conversations about the best way to ensure good stewardship of federal funds.

Thank you in advance for your assistance in addressing this important matter, and I look forward to working with you and your staff in the weeks and months to come. Please don't hesitate to contact my congressional office if you have any questions or would like additional information on this matter.

Sincerely,

Dan Newhouse
Member of Congress