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May 3, 2011

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Jackson:

I write to request follow up information relating to a hearing in the House Energy and Commerce Subcommittee on the Environment and Economy which took place on April 14, 2011. At this hearing, EPA Assistant Administrator Mathy Stanislaus explicitly stated that a direct impact on jobs is not taken into account during economic analyses on proposed rules. I seek further clarification on the process and procedure by which EPA performs its economic analyses, and how the impact of various regulations on jobs will be taken into consideration in the future.

On January 18, 2011, President Obama issued Executive Order 13563 (hereafter "EO" or "EO 13563") setting forth criteria to improve regulations and regulatory review. The EO's General Principles clearly state that "Our regulatory system must protect public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation." In my interaction with Assistant Administrator Stanislaus, it was made clear that the direct impact on job creation has not been a part of the economic analyses done by the EPA in the past. It is my opinion that such an analysis is insufficient and incomplete.

I respectfully ask for a timely response to the following questions and requests that arose as a result of the hearing on April 14, 2011:

- Is it the case that prior to EO 13563, the EPA did not take into account job losses or gains in an economic analysis of every economically significant regulation?
- What is the methodology used by the EPA to plan and perform a thorough and complete economic analysis of a particular regulation, including analysis of regulatory alternatives? How does EPA decide whether the loss or creation of jobs directly as a result of a regulation should be part of a thorough economic analysis? Please provide me with examples of regulatory analyses in which EPA has assessed the impact on employment, and the rationale for performing jobs analysis for these regulations.
- Regarding the Coal Ash Rule, EPA's analysis shows that there is a larger proportion of low-income families in the areas where the analyzed plants are located, and also that this regulation would increase their electricity prices. Please explain why EPA decided not to include an assessment of how job losses combined with increased electricity prices in these communities would impact these families.

- How will the EPA quantify both the direct and indirect effects on U.S. job creation and employment associated with particular regulations in the future, as directed by the President's EO?
- Please provide me with a list of all rules that have been finalized for which the EPA has not yet performed an economic analysis of the regulation's direct and indirect impact on jobs.
- EO 13563 directs the executive branch to periodically review "existing significant regulations to determine whether any such regulations should be modified." Will this review include an analysis of the impact various regulations have had on jobs since they were finalized?

Thank you for your timely attention to this matter. I look forward to your response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cory Gardner", with a long horizontal flourish extending to the right.

Cory Gardner (CO-4)
Member of Congress