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ONE HUNDRED THIRTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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August 20, 2013

The Honorable Howard Shelanski
Administrator, Office of Information and Administration
Office of Management and Budget
Executive Office of the President
725 17th Street, NW
Washington, DC 20503

Dear Mr. Shelanski:

Thank you for your recent testimony at the Committee on Oversight and Government Reform, Subcommittee on Energy Policy, Health Care and Entitlements hearing entitled, "Examining the Obama Administration's Social Cost of Carbon Estimates." At the hearing you testified that "there is no doubt that the social cost of carbon (SCC) will be used in a number of economically significant rules."¹ For this reason, we remain interested in learning more about how the interagency working group (IWG) developed the 2013 SCC estimates. Many of these questions were brought up at the hearing, but since OIRA could not provide an answer at the time we would like to follow up with our outstanding questions.

At the July 18 hearing, you said, "The interagency working group was convened by the Office of Management and Budget and the Council of Economic Advisors with the participation of a couple of Executive Branch agencies and a number of Executive Office of the President policy councils."² These other participants in the IWG during the 2013 SCC development process were the Environmental Protection Agency, the Departments of Agriculture, Commerce, Energy, Transportation, and Treasury as well as the White House's Council on Environmental Quality, National Economic Council, and Office of Science and Technology Policy.³

We believe that bringing to light more information about the interagency working group's process – who participated, when and where they met, why and how they arrived at their conclusions – is essential to creating public confidence in the IWG's work. Moreover, increased transparency on the IWG's methods will enable stakeholders to better participate in this process.

¹ *Examining the Obama Administration's Social Cost of Carbon Estimates: Hearing Before the Subcomm. on Energy Policy, Health Care, and Entitlements of the H. Comm. on Oversight and Gov't Reform*, 113th Cong. (2013) (testimony of Howard Shelanski, Adm'r, Office of Info. and Regulatory Affairs).

² *Id.*

³ *Id.*

Increased insight into the IWG's efforts will also help to ensure that the estimates and their use in rulemaking throughout the government conform to the highest standards.

On January 21, 2009, the President announced that "my Administration is committed to creating an unprecedented level of openness in Government."⁴ We applaud the President's commitment, and in that spirit we ask that you respond to the following additional questions regarding the process by which the IWG developed the 2013 SCC estimates:

1. Given that the Office of Management and Budget and the Council of Economic Advisors convened the interagency working group (IWG), please explain these two agencies' respective roles in this process.
2. What was the lead agency in charge of setting the Administration's social cost of carbon calculation?
3. What were the criteria for selecting departments and agencies to participate in the SCC development process? For example, were the Departments of Defense and the Interior invited to participate? Did any department decline to participate?
4. Who participated in the IWG meetings? Please provide the names and agency affiliation for each SCC IWG meeting participant.
5. How often did IWG participants meet? When did those meetings occur?
6. Did any non-governmental groups participate in the meetings? Please provide the names of any individuals and group represented, and how they participated in IWG meetings.
7. What records were kept for the IWG meetings? Were agendas for these meetings provided? Were any meeting minutes kept? Were any post-meeting summary documents prepared for IWG meetings? If so, please provide copies of these documents.
8. Did the IWG work on any other issues besides the SCC calculation? If so, what else?
9. Did participants vote on the final SCC technical support document (TSD)? If yes, please list who supported and who opposed.
10. Which participant(s) performed the economic modeling and calculations that resulted in the SCC estimates found in the TSD? Was it a different individual, agency, or entity that performed the calculations from the 2010 SCC estimate? If so, why was a different individual, agency, or entity selected to perform the calculations?
11. Were other models considered for inclusion in the TSD's findings? If so, please describe them and why they were excluded.
12. Are other inputs of cost-benefit analyses developed in a similar manner?

⁴ OFFICE OF MANAGEMENT AND BUDGET, MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES: TRANSPARENCY AND OPEN GOVERNMENT, 1 (2009).

13. How were global costs and benefits of carbon reduction incorporated into the values? Is the IWG using some fraction of whatever number the models yield, as was done in 2010, or is the IWG now using the full measure of global costs and benefits to arrive at SCC?
14. When does the IWG plan to reconvene to consider revising the SCC estimates? How long will the revised SCC number be used? When is the next anticipated revision?
15. Why was there no public comment period specifically on the TSD? Does OIRA, or any other member of the IWG, intend to put the SCC calculation itself through a notice-and-comment period?
16. Which rules, guidance, or other cost benefit analyses done by any federal agency used the 2010 SCC in any way? Which rules, guidance, or other cost benefit analyses do you anticipate will incorporate in any way the 2013 SCC?
17. In the hearing you stated that the SCC was updated because OIRA received comments requesting the calculation be updated.⁵ Please provide copies of all correspondence received that encouraged the relevant agency to re-examine the 2010 SCC guidance and how the correspondence was solicited.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. An attachment to this letter provides additional information about responding to the Committee’s request.

We ask that you provide the requested information no later than 5:00 p.m. on September 4, 2013. When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

If you have any questions about this request, please contact Ryan Hambleton with the majority Committee staff at (202) 225-5074 or Erin Ryan in Representative Speier’s office at (202) 225-3531. Thank you for your attention to this matter.

Sincerely,



James Lankford
Chairman
Subcommittee on Energy Policy,
Health Care & Entitlements



Jackie Speier
Ranking Member
Subcommittee on Energy Policy,
Health Care & Entitlements

⁵ *Supra* at note 1.

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Majority (2021 225-5074)
Minority (2021 225-5051)

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDDTIME, AUTHOR, FROM,

CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.
7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been

located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.

17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.
19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Schedule Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.