



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 11 2008

The Honorable Edward J. Markey
Chairman
Select Committee on Energy Independence & Global Warming
U.S. House of Representatives
Washington, D.C. 20515-6143

THE ADMINISTRATOR

Dear Mr. Chairman:

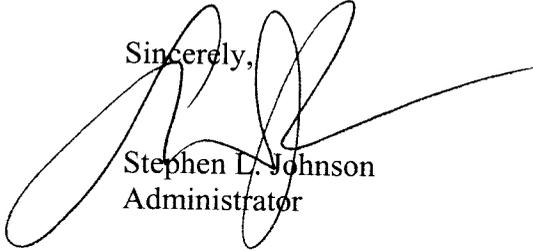
I am writing in response to your letter of March 7, 2008, in which you restated a request for copies of documents referenced in a December 21, 2007 *Los Angeles Times* article. Your letter also referenced our phone conversation of January 28, 2008, in which you asked for EPA's proposed "endangerment finding."

Because there appears to be a misunderstanding about our phone conversation, I would like to take this opportunity to reiterate what I said during that call, which is that EPA is committed to accommodating to the extent possible the Select Committee's request for information. Responding to Congressional requests is a priority at EPA, and I assured you my staff would process your request and respond accordingly.

In accordance with our conversation, my staff have now completed their assessment of your request and determined that the *Los Angeles Times* article may have been referencing a preliminary document regarding draft proposed vehicle regulations. As further explained in EPA's letter to the Select Committee on March 7, this document is in draft form and does not reflect the Agency's final thinking. As such, release of the document during these ongoing deliberations could have a detrimental impact on the Agency's deliberative process in the development of any regulatory action. Because of this potential harm, it would not be in the Agency's best interest to share the document at this time for the reasons more fully expressed in our March 7 letter. This is consistent with the Executive Branch's long-standing practice regarding requests for documents related to preliminary rulemaking activities. These same concerns pertain to release of EPA's draft endangerment proposal.

Although we are unable to provide the documents you requested, I am hopeful that my testimony at the March 13 hearing will satisfy the Select Committee's interest in obtaining information on the issues described in your January 15 letter. If you have any further questions, please contact me or have your staff call Anthony Reed of my staff at (202) 564-3109.

Sincerely,



Stephen L. Johnson
Administrator

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