

From: Persampieri, Nick
Sent: Monday, November 23, 2020 11:47 AM
To: ncornettlaw@gmail.com
Subject: Vermont Public Records Act Request

Attorney Cornett,

Please see the attached letter and records. Thank you.

Nick

Nicholas F. Persampieri
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609
(802) 828-6902

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

JOSHUA R. DIAMOND
DEPUTY ATTORNEY GENERAL

SARAH E.B. LONDON
CHIEF ASST. ATTORNEY
GENERAL



TEL: (802) 828-3171

<http://www.ago.vermont.gov>

STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

November 23, 2020

Neal Cornett
Attorney at Law

By e-mail to: ncornettlaw@gmail.com

Re: Vermont Public Records Act Request

Dear Attorney Cornett:

I write in response to your Vermont Access to Public Records Act request dated November 5, 2020, which this office received on November 6, 2020. In that request, on behalf of Energy Policy Advocates, you sought:

all electronic correspondence, and any accompanying information . . . including also any attachments, a) sent to or from or which copies (whether as cc: or bcc:) Nick Persampieri, that b) includes, *anywhere*, whether in an email address, in the sent, to, from, cc, bcc fields, or the subject fields or body of an email or email "thread", including also in any attachments, i) "GHG NAAQS", ii) "climate NAAQS", iii) "CO2 NAAQS", iv) "secondary NAAQS", and/or v) "ozone NAAQS", and c) is dated from February 1, 2020 through the date you process this request, inclusive.

By letter dated November 12, 2020 this office extended the time limit for its response, and advised that it would further respond on or before November 23, 2020.

We attach a PDF containing 15 records responsive to your request. The records are labeled Record Nos. 1- 15. We have redacted access information

regarding telephone and Zoom conferences from Record Nos. 3, 4, 12 and 13, because it is exempt from disclosure pursuant to 1 V.S.A. § 317(c)(4) and/or 1 V.S.A. § 317(c)(7). Additionally, we have withheld an email that transmitted Record No. 1 because it is exempt from disclosure pursuant to 1 V.S.A. § 317(c)(4). This record is a communication among the Attorney General's offices of multiple states, including Vermont, regarding issues of common interest, made in connection with anticipated litigation and for the purpose of facilitating the rendition of legal services to the respective states.

In addition to the email mentioned in the preceding paragraph, we have withheld seventy-nine records because they are exempt from disclosure pursuant to 1 V.S.A. § 317(c)(4) and/or 1 V.S.A. § 317(c)(14). Fifty-one of the withheld records consist of communications among the Attorney General's offices of two or more states, including Vermont, regarding issues of common interest, made in connection with ongoing or anticipated litigation and/or for the purpose of facilitating the rendition of legal services to the respective states. Fifteen of the withheld records consist of internal Vermont Attorney General's office communications regarding matters with which Vermont has a common interest with other states, made in connection with ongoing or anticipated litigation and/or for the purpose of facilitating the rendition of legal services to the State of Vermont. Twelve of the withheld records consist of communications between the Vermont Attorney General's office and an agency of the State of Vermont, made in connection with ongoing or anticipated litigation and/or for the purpose of facilitating the rendition of legal services to the State of Vermont. And one of the records consists of a communication among a number of states and another party to ongoing litigation, in which the states, including Vermont, are parties of record.

In addition to the records described above, we have also withheld attorney-client, attorney work-product communications generated in responding to your public records request.

If you feel any information or records have been withheld in error, you may appeal to Deputy Attorney General Joshua Diamond at the following email address: Joshua.Diamond@vermont.gov.

Sincerely,

/s/Nicholas F. Persampieri

Nicholas F. Persampieri
Assistant Attorney General

Record No. 1

To: John Bachmann [REDACTED]
From: Myers, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CCC36034A08E4A41889E169996E3736B-EPAMJM]
Sent: Sun 11/17/2019 5:03:07 PM (UTC-05:00)
Subject: RE: Structure of the discussion tomorrow at 3

Thanks much John. I will share with other participants.--Mike

Michael J. Myers
Senior Counsel for Air Pollution and Climate Change Litigation
Environmental Protection Bureau
New York State Attorney General
The Capitol
Albany, NY 12224
(518) 776-2382
michael.myers@ag.ny.gov

From: John Bachmann <johnbachmann@bellsouth.net>
Sent: Sunday, November 17, 2019 4:46 PM
To: Myers, Michael <Michael.Myers@ag.ny.gov>
Subject: Structure of the discussion tomorrow at 3

[EXTERNAL]

Hello,

I did some homework for the meeting. I read Crystal et al with interest, took a look at EPA's 2008 ANPR, as well as a piece on use of 115 (I was part of the only attempt to use that one). FYI, I also wrote the first draft of 179B that Crystal offers as a solution to universal non-attainment issue.

I thought it would be helpful to look at the issue as we did back in the day EPA sorting 'new' pollutants or issues that might be regulated under the NAAQS or other sections. The first step was a look at the nature of the problem, and in a perfect world what would the 'technical' solution be - e.g. acid rain - set up a cap and trade program for SOx and NOx. Not a NAAQS. I also took a hard look at the steps needed to actually develop a GHG NAAQS, as well as to implement it, and that meant looking up more technical information on CO2 and other GHG distributions that turned out to be relevant.

I put my main observations and issues on the first page of the attached set of slides. The rest of the slides get more into details that support what is up front. I put more effort in developing the time and issues in setting the NAAQS than on details of implementation. Crystal is more sanguine about coming up with a US cumulative budget than I suspect is possible given the range of possibilities, but it would take me more time to dig into that - and it would be facilitated by discussing some of that with known experts on developing such budgets - something you would not want me to do at this stage.

I thought it might be helpful if, after introductions, I could start by going through that first page. I also think it would be good if everyone had a copy of the entire set of slides attached. It's possible some of the background material might be helpful in responding to questions.

At this point, I continue to feel that new legislation requiring specific actions would be much better than NAAQS, and yet I'm mindful of the obvious problem of how to get such legislation even with a new administration. I also agree that in addition to being hopelessly insufficient, the CPP turned out not to be particularly fast. Crystal et al also convinced me there are reasons to push a GHG NAAQS approach other than an intent to actually do one.

Let me know how you want to proceed in terms of sending materials ahead of time and starting with the one pager followed by questions.

John Bachmann

PS, I am seriously considering using the recent CASAC draft letter recommending that climate be considered in setting a secondary PM NAAQS as a basis for recommending the same thing for ozone during public comments I'll deliver in person at CASAC's December 5th meeting down here. Ozone is short lived climate forcer, and it would force more attention on methane as a precursor. We can test run a GHG NAAQS right now.....

On Nov 7, 2019, at 11:23 AM, Myers, Michael <Michael.Myers@ag.ny.gov> wrote:

Thanks John. See the attached. There have been other scholarly publications on the topic, but this is the most recent one as far as I know. Look forward to talking with you on 11/18. I'll send out an invite in a minute.

Michael J. Myers
Senior Counsel for Air Pollution and Climate Change Litigation
Environmental Protection Bureau
New York State Attorney General
The Capitol
Albany, NY 12224
(518) 776-2382
michael.myers@ag.ny.gov

From: John Bachmann [REDACTED]
Sent: Thursday, November 7, 2019 11:07 AM
To: Myers, Michael <Michael.Myers@ag.ny.gov>
Subject: Re: Connect you with NY AG/Mike Myers?

[EXTERNAL]

Same here Mike. I am available 11/18 3-4 EST.

I found some other reading to do on the topic besides EPA's 2008 piece, and if you have any ready examples of people who have made the case for using NAAQS in writing, I'd appreciate it.

John B.

FYI, my NAAQS history

> On Nov 7, 2019, at 8:59 AM, Myers, Michael <Michael.Myers@ag.ny.gov> wrote:

>

> John, nice to make your acquaintance and chat a bit. Re. a follow up call, looks like 11/18 from 3-4 eastern works for the state folks. Can you confirm your availability at that date and time? I will send out a calendar invite once we have firmed up the date and time. Thanks.--Mike

>

> Michael J. Myers
> Senior Counsel for Air Pollution and Climate Change Litigation
> Environmental Protection Bureau
> New York State Attorney General
> The Capitol

> Albany, NY 12224
> (518) 776-2382
> michael.myers@ag.ny.gov

> -----Original Message-----

> From: John Bachmann [redacted]
> Sent: Tuesday, November 5, 2019 4:36 PM
> To: Myers, Michael <Michael.Myers@ag.ny.gov>
> Subject: Re: Connect you with NY AG/Mike Myers?

> I'd be honored to talk tomorrow. Because almost no meeting ends on time how about 3:15 tomorrow, aka Wed? I have your number and will plan to call then, unless I get a note from you otherwise. My number is [redacted].

> John Bachmann
> Chapel Hill, NC

>> On Nov 5, 2019, at 3:42 PM, Myers, Michael <Michael.Myers@ag.ny.gov> wrote:

>> Thanks Joe. John, would you have a few minutes tomorrow to touch base? I'm free 10-12 and 3-5.

>> Michael J. Myers
>> Senior Counsel for Air Pollution and Climate Change Litigation
>> Environmental Protection Bureau New York State Attorney General The
>> Capitol Albany, NY 12224
>> (518) 776-2382
>> michael.myers@ag.ny.gov

>> -----Original Message-----

>> From: Goffman, Joseph <jgoffman@law.harvard.edu>
>> Sent: Monday, November 4, 2019 5:17 PM
>> To: John Bachmann <johnbachmann@bellsouth.net>
>> Cc: Myers, Michael <Michael.Myers@ag.ny.gov>
>> Subject: RE: Connect you with NY AG/Mike Myers?

>> [EXTERNAL]

>> Introducing John and Mike. Thanks.

>> Joseph Goffman | Executive Director
>> Harvard Law School | Environmental and Energy Law Program
>> 6 Everett Street, Suite 4121 | Cambridge, MA 02138
>> [redacted] | jgoffman@law.harvard.edu
>> Twitter: @JosephGoffman

>> -----Original Message-----

>> From: John Bachmann [[mailto:\[redacted\]](mailto:[redacted])]
>> Sent: Monday, November 4, 2019 4:55 PM
>> To: Goffman, Joseph <jgoffman@law.harvard.edu>
>> Subject: Re: Connect you with NY AG/Mike Myers?

>> He's in the Environmental part of the AG's office? If you think I can help, sure.

>>> On Nov 4, 2019, at 4:03 PM, Goffman, Joseph <jgoffman@law.harvard.edu> wrote:

>>> Would you be willing to have me share your contact info with him? You
>>> may be able to help him think through the some NAAQS issues and/or
>>> identify others who would be good to talk to. Thanks

>>>

>>> Sent from my iPhone

>>

>>

>> IMPORTANT NOTICE: This e-mail, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee. If you received this e-mail in error or from someone who was not authorized to send it to you, do not disseminate, copy or otherwise use this e-mail or its attachments. Please notify the sender immediately by reply e-mail and delete the e-mail from your system.

>>

>

<CBD law review article.pdf>

To: John Bachmann [REDACTED]
From: Myers, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CCC36034A08E4A41889E169996E3736B-EPAMJM]
Sent: Tue 12/10/2019 11:20:51 AM (UTC-05:00)
Subject: RE: I haven't forgotten...

Thanks John

Michael J. Myers
Senior Counsel for Air Pollution and Climate Change Litigation
Environmental Protection Bureau
New York State Attorney General
The Capitol
Albany, NY 12224
(518) 776-2382
michael.myers@ag.ny.gov

From: John Bachmann [REDACTED]
Sent: Tuesday, December 10, 2019 8:38 AM
To: Myers, Michael <Michael.Myers@ag.ny.gov>
Subject: I haven't forgotten...

[EXTERNAL]

I found some EPA veterans involved in the ANPR who had some useful thoughts on the process and views on the issues back then (I'm asking for permission to send them to you directly). They had recommendations on former OGC lawyers and I'm going to follow up to see if any of them would be willing to talk - I have an order in mind in terms of implementation issues and I'll start with the most likely to be of help. I only used your name and NY in talking to the two EPA veterans so far - interestingly both of them are now working with another group on the Section 115 option, and I may get dragged into that.

Fyi, I did follow up with comments to CASAC last week on recommendations to consider the effects of climate in the review of the secondary standard for ozone. It's a bit in code as I'm playing off the CASAC draft letter that recommends an analysis in EPA's policy assessment for particulate matter.

Available here:

[https://yosemite.epa.gov/sab/sabproduct.nsf//069F7DE6E6AB9573852584CB005F0D6B/\\$File/Presentation+and+comments+of+John+Bachmann+draft+ozone+PA+5+December+2019.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf//069F7DE6E6AB9573852584CB005F0D6B/$File/Presentation+and+comments+of+John+Bachmann+draft+ozone+PA+5+December+2019.pdf)

John B.

To: Myers, Michael[Michael.Myers@ag.ny.gov]
From: John Bachmann [REDACTED]
Sent: Thur 12/12/2019 4:35:54 PM (UTC-05:00)
Subject: Re: Draft note on NAAQS lawyers and EPA GHG ANPR 2008 info

Hi Mike,
I located a former colleague, Sara Schneeberg Robinson, who was an EPA air implementation lawyer. She would be willing to look into some of the issues raised in your discussions, including [REDACTED]
[REDACTED] including me, [REDACTED], but that's not what you're asking her about.

She's busy for the holidays, but could interact with you or the group sometime in January, if you want to send her some specific issues for discussion.

Her contact info is: [REDACTED] and 301 [REDACTED] Silver Springs, MD

Hope this helps.

John B.

On Dec 11, 2019, at 5:21 PM, Myers, Michael <Michael.Myers@ag.ny.gov> wrote:

Thanks much John, very useful info.--Mike

Michael J. Myers
Senior Counsel for Air Pollution and Climate Change Litigation
Environmental Protection Bureau
New York State Attorney General
The Capitol
Albany, NY 12224
(518) 776-2382
michael.myers@ag.ny.gov

From: John Bachmann [REDACTED]
Sent: Wednesday, December 11, 2019 2:56 PM
To: Myers, Michael <Michael.Myers@ag.ny.gov>
Subject: Fwd: Draft note on NAAQS lawyers and EPA GHG ANPR 2008 info

[EXTERNAL]

Here's the email from Nancy and Jim Ketcham-Colwill who worked on parts of the ANPR at EPA. There's a follow up below on maintenance. So far I've only mentioned your (NY) interest in this. They had thoughts on some retired EPA lawyers and I've left a message with probably the best one for your purpose. I discussed some of the ANPR issues on NSR and PSD with a current EPA friend down here who worked on those issues, the one that came up with the approach on major sources that Scalia shot down - an implementation guy, not a lawyer. No names, and he won't talk about it. He has a dim view of EPA's record addressing areas that are attainment on first designation. He reminded me there are PM10 areas that were in attainment when the NAAQS was set and never were redesignated to non-attainment when their levels increased. Not a good track record in terms of pushing maintenance SIPs for areas that start out in attainment, which is one of your scenarios. But a bigger issue is picking a GHG eq level that doesn't create widespread non-attainment. (See the addition from Nancy and Jim on maintenance.) And my RTP friend noted the adoption of a NAAQS for GHG would change the current PSD requirements post Supreme Court responses - attainment areas would have PSD requirements and it might be messy in terms of defining major sources again (I'm not the guy to discuss this in any detail.).

More later assuming I have a lawyer who wants to help.

John B.

Begin forwarded message:

From: Nancy Ketcham-Colwill <[REDACTED]>
Subject: Re: Draft note on NAAQS lawyers and EPA GHG ANPR 2008 info
Date: December 3, 2019 at 12:57:26 PM EST
To: John Bachmann <[REDACTED]>
Cc: Jim Ketcham-Colwill [REDACTED]

On Tue, Dec 3, 2019 at 12:56 PM Nancy Ketcham-Colwill [REDACTED] wrote:

Hi John --

We've taken some time to look over the ANPR discussion of using the NAAQS for GHGs and locate various written resources (like the comments on the ANPR) on the issues that would be raised by such a quest. We've listed the resources below and included links. We've also listed the names of retired OGC lawyers who might be able and willing to help think through the various issues. The ANPR reflects the thinking of several of the folks listed below, but it also avoids weighing in for or against on some of the hardest issues. They may have opinions on how hard some of the issues are to crack. I think it would be a good idea for you or me to contact folks on the list before sending their names along so they aren't taken by surprise. I also think some folks are apt to be more helpful than others. We could discuss further, if that would help.

We also have a couple of thoughts of our own, based on our backgrounds in the relevant areas and some "blue sky" discussion with smart folks here.

First, the most promising avenue for using the NAAQS may be to set just a secondary NAAQS (no margin-of-safety conundrum, no statutory attainment deadline). The ANPR discusses that option and there's a decent legal argument for it since GHGs don't directly (e.g., through inhalation) harm human health and the first listing criterion is whether the pollutant is reasonably expected to endanger public health OR welfare. The CAA definition of welfare include effects on climate, and Congress added that effect to the welfare definition in 1970 out of concern for anthropogenic climate change.

Second, the ANPR also discusses the potential applicability of section 179B, which allows states to show attainment "but for" international transport. That section seems practically tailor-made for GHGs. It might be the basis for defining a US share of GHG atmospheric concentrations, but its use could pose issues for some current NAAQS pollutants since states would love to point to China, etc., for its share of PM, etc.

Of course, a secondary NAAQS, even with 179B in the mix, still buys you a lot of SIP programs like NSR, conformity, etc. Given the statutory standard-setting criteria, surely any secondary NAAQS would be set at a level that would result in nationwide nonattainment, so you'd have to contend with nonattainment NSR, arguably the worst of the regulatory pickles for GHGs since the statutory thresholds for NSR applicability are so low that they would capture lots of small GHG sources like office and apartment buildings, hospitals, etc. EPA tried to get out of that pickle by interpreting the CAA in the Tailoring Rule to allow the agency to temporarily raise the NSR thresholds for GHGs while the

agency developed general permits and other measures for small sources.

The Supreme Court opinion in the Tailoring Rule case interpreted the relevant statutory provision as applying NSR only to NAAQS pollutants, so it relieved EPA from applying NSR to GHGs when it regulated vehicles for GHGs. But if GHGs are listed for NAAQS, we'd be back in the NSR soup and that soup would be hotter since nonattainment NSR entails even lower thresholds (10 tons). That would be a target for application of the "rule" that Scalia articulated in writing the Tailoring Rule opinion -- that an agency may not apply general statutory authority in a way that ensnares a broad swath of the economy UNLESS it has specific congressional authorization to do so. I don't know whether the Scalia Rule (as I call it) has been applied in another case, but you can bet that industry would be arguing for its application to defuse any GHG NAAQS. That's not to say that the Scalia Rule would defeat a GHG NAAQS. Proceeding with a NAAQS might also be helpful whether or not it ultimately survives judicial review. The economic armageddon that industry likes to posit for applying NSR to the GHGs could be defused to some extent by having general permits, presumptive BACT and other streamlining regulatory maneuvers at the ready -- a very tall order but not impossible. Mary Nichols gave testimony to that effect in a congressional hearing on the ANPR.

A GHG NAAQS would, kind of happily, make it easier to argue that CAA section 115 is applicable to GHGs assuming the criteria for using 115 are met. But it would also preclude regulation of GHGs under 111(d) which authorizes NSPS for existing sources. Section 111(d) was the legal basis for the Clean Power Plan.

As we discussed, a NAAQS, even a secondary NAAQS, would take lots of time to implement, so is both a long shot and a longer-term strategy, when what we need is something more sure-fire and quick. But that would take legislation. Personally, we strongly believe that the next Administration should have a double-barrel strategy of pushing for legislation AND moving forward with CAA regulation (and other measures) in case Congress stalls out, as usual.

ANPR information

GHG ANPR Federal Register notice, July 30, 2008. Discussion of potential ways the NAAQS authorities could be used, and issues that would arise, are on pp. 44476-44486. (Note that the first several dozen pages of the FR notice are by the White House and other agencies criticizing the idea of using the CAA for GHGs. The even-handed analysis by EPA staff, who were directed to draw no conclusions, begins on page 44396.)

<https://www.govinfo.gov/content/pkg/FR-2008-07-30/pdf/E8-16432.pdf>

Fact sheet describing purpose and context of 2008 GHG ANPR:

<https://www3.epa.gov/climatechange/Downloads/anpr/ANPRFactSheet.pdf>

Public EPA briefing on 2008 GHG ANPR:

https://www.epa.gov/sites/production/files/2015-01/documents/2008_09_ghgfull.pdf

Public comments on 2008 GHG ANPR are still available at this link:

<https://www.regulations.gov/docketBrowser?rpp=25&so=DESC&sb=commentDueDate&po=0&dct=PS&D=EPA-HQ-OAR-2008-0318>

Tens of thousands of public comments were submitted. We can send along a condensed list of the substantive comments, a complete list of all comments, and an Excel spreadsheet containing the same two lists, if that would be helpful. The condensed list of substantive comments is indexed to files on a CD containing the comments, which we have. We can copy the CD and send it to you, if you want it.

We also have a hard copy of Mary Nichol's testimony and another briefing on the NAAQS and GHGs that does a pretty good job of summarizing the issues. We could scan and send those if useful.

Cheers!

Nancy and Jim

Hi John — We belatedly remembered your saying that maintenance SIPs were part of what is being considered. In our note yesterday we had said that even a 2dary NAAQS would surely be set below current levels given the CAA standard-setting criteria, but perhaps an argument might be made that current levels haven't bought us dangerous warming — yet (the effects of CO2 concentrations take years to fully assert themselves). The standard-setting criteria for 2dary standards call for protecting public welfare from “any known or anticipated adverse effects,” so just avoiding “dangerous” warming might not cut it, particularly since climate change is already fueling more fire, floods, extreme weather, etc. But setting a NAAQS at current levels would avoid nonattainment NAAQS requirements for a while. Actually, the NAAQS would probably need to be set at the CO2 level expected for the time period relevant for designations.

The science and statute would make a maintenance level NAAQS a hard sell and short-lived, but it's another interesting angle and possibly a useful gamble.

IMPORTANT NOTICE: This e-mail, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee. If you received this e-mail in error or from someone who was not authorized to send it to you, do not disseminate, copy or otherwise use this e-mail or its attachments. Please notify the sender immediately by reply e-mail and delete the e-mail from your system.

To: Herzog, Megan (AGO)[megan.herzog@state.ma.us]; Myers, Michael[Michael.Myers@ag.ny.gov]; Garrahan Paul[Paul.Garrahan@doj.state.or.us]; 'Elaine Meckenstock (Elaine.Meckenstock@doj.ca.gov)'[Elaine.Meckenstock@doj.ca.gov]; 'Jon Wiener (CA)'[Jonathan.Wiener@doj.ca.gov]; Costello, Morgan[Morgan.Costello@ag.ny.gov]; 'Kavita Lesser (CA)'[kavita.lesser@doj.ca.gov]; Courchesne, Christophe (AGO)[christophe.courchesne@state.ma.us]; 'Daniel.Resler@law.njoag.gov'[Daniel.Resler@law.njoag.gov]; Tweedie, Jameson (DOJ)[Jameson.Tweedie@delaware.gov]; 'Domenico.StocktonRossini@law.njoag.gov'[Domenico.StocktonRossini@law.njoag.gov]
From: Novick Steve[Steve.Novick@doj.state.or.us]
Sent: Tue 1/21/2020 1:07:41 PM (UTC-05:00)
Subject: RE: Affirmative climate litigation:: Sara Schneeberg Robinson

[EXTERNAL]

Small affirmative climate group --

I've been neglecting to set up a call with Sara Schneeberg Robinson, who John Bachmann put us in touch with. Here's John's email listing the issues she could help us with (below). She says she's generally free before 11:30 a.m. and after 3:30 p.m. eastern time. I'd prefer 3:30 if that works for folks. Would this Friday or next Monday at 3:30 be feasible for everyone?

John's email:

I located a former colleague, Sara Schneeberg Robinson, who was an EPA air implementation lawyer. She would be willing to look into some of the issues raised in your discussions, including [REDACTED] including me, [REDACTED] but that's not what you're asking her about.

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

Record No. 2

From: [Persampieri, Nick](#)
To: ["MatthewDHardin@protonmail.com"](mailto:MatthewDHardin@protonmail.com)
Subject: Public Records Request
Date: Friday, April 10, 2020 3:08:00 PM
Attachments: RE Multistate AG Coordination Call.msg
RE Multistate AG Coordination Call.msg

Dear Mr. Hardin:

By email to the Vermont Attorney General's Office, dated and received on April 7, 2020, you made a public records request for:

all electronic correspondence, and any accompanying information . . . including also any attachments,

a. sent to or from or copying (whether as cc: or bcc:) Nick Persampieri, that b) includes, *anywhere*,

whether in an email address, in the sent, to, from, cc, bcc fields, or the Subject fields or body of an email

or email "thread", including also in any attachments, "Multistate AG Coordination Call", and

c)

was sent or received on May 19, 2019, August 6, 2019, October 15, 2019, November 12, 2019,

November 26, 2019, and/or December 10, 2019.

Attached are copies all of the documents from our office responsive to your request.

To the extent that you feel this response is a denial of your request, you may appeal to the Deputy Attorney General, Joshua Diamond. Any appeal should be made in writing and sent to him at this address:

Deputy Attorney General Joshua R. Diamond
Office of the Attorney General
109 State Street
Montpelier, VT 05609

Sincerely,

Nicholas F. Persampieri

Nicholas F. Persampieri
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609
(802) 828-6902

Record No. 3

From: Myers, Michael
To: Aaron Kleinbaum (NJ); Adam Duh (PADEP); Aimee Thomson (PA AG); Alison Hoffman (RI); Andrea Baker; Andy Fitz (WA); Andy Goldberg; Ann Johnston (PA); Arsenio Mataka (CA); Asher Spiller; Aurora Janke; Beth Mullin (DC); "Bill F. Cooper (Hi)"; Bill Sherman -- WA AG's office; Blake Thomas (NC); Bo Reiley; Brad Motl (WI); Brian Caldwell (DC); Burianek, Lisa; Carrie Noteboom (CO); Chris Ryder (PA DEP); Christie Vosburg (CA); Christopher Courchesne; Cindy Chang (WA); Costello, Morgan; Dan Nubel (NV); Daniel Rottenberg (IL); David Apy (NJ); David Frankel (MA); David Hoffman (DC); David Zaft (CA); "David Zonana (Ca)"; Dennis Beck (CA); Dennis Ragen; Dianna Shinn (NJ); Dirth, Eric; "Elaine Meckenstock (Ca)"; Elizabeth Davis (PA DEP); Elizabeth Morrisseau; Emily Nelson (WA); Emily Vainieri; Eric Katz (CA); Francisco Benzoni (NC AG); Greg Schultz; Heather Leslie; "Jacob Larson (1a)"; James Moreno (PA DEP); Jameson Tweedie (DE); Jason James (IL); JB Howard (MD); Jennie Demjanick (PA DEP); Jennifer Berger (DC); Jennifer Fradel (NJ); Jesse Walker; Jill Lacedonia (CT); Jillian Riley; "Jonathan Wiener (Ca)"; Josh Segal (MD); Julia Forgie (CA); Kavita Lesser (CA); Kristen Mitchell (VA); Laura Jensen (ME); "Lauren Maxwell (DC)"; Leah Tulin (MD AG); Leigh Currie (MN); Leslie Frederickson (MN PCA); "Liz Rumsey (Ca)"; Lynn Angotti; Magliaro, Jeremy; Marc Bernstein (NC); Margaret Murphy (PA); Martin Goyette (CA); "Matthew Dunn (Il)"; Matthew Levine; McCabe, Gavin; Megan Herzog; Megan Hey (CA); Megan Ulrich (MDE); Melissa Hoffer; Menard, Brenda (NC); Michael Strande (MDE); Michelle Moses (PA); Mike Fischer (PA AG); Myers, Michael; Nate Zolick (WI); Neil Gordon (MI); Persampieri, Nick; Oliver Larson (MN); Patrick Flanagan; Paul Garrahan; Paul Kugelman (VA); Pete Surdo (MN); Rob Swanson (CA); Robert Snook; Rosenfeld, Wesley (DC); Sally Magnani; Sarah Kogel-Smucker (DC); Sarah Morrison (CA AG); Scott Boak (ME); "Scott Koschwitz (Ct)"; Scott Lichtig (CA); Scott Steinbrecher (CO); Seth Schofield (MA); Skip Pruss (MI); Smith, Nikolina (PA DEP); Srolovic, Lemuel; Stephen St. Vincent (PA); Steve Novick (OR); Steven Goldstein (MD); Susan Shinkman (DC); Tania Maestas; Taylor Crabtree (NC); Nord Tim D; "Timothy Sullivan (Ca)"; Tom Y (WA); "Tracy Triplett (Ma)"; Tricia Jedele; Turner Smith (MA); "Valerie Edge (De)"; Wagner, Monica; Washburn, Peter; William Grantham
Subject: Multistate AG Coordination Call
Date: Tuesday, July 14, 2020 10:39:07 AM
Attachments: 200710 - Clean Wisconsin Opinion.pdf
DOJ DTE filing opposing SC settlement.pdf
Long Beach et al. settlement agreement.pdf
2020 Table with Spring Unified Agenda Update final redline.docx

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

All, the security code for today's call is [REDACTED].

Linked/attached are some materials for discussion.—Mike

https://www.epa.gov/sites/production/files/2020-07/documents/review_of_ozone_naaqs_admin.pdf (ozone NAAQS proposal)

https://nyu.zoom.us/webinar/register/WN__1GbICVoR_eUcPbZaamX6g (upcoming webinar on enforcement)

Michael J. Myers
Senior Counsel for Air Pollution and Climate Change Litigation
Environmental Protection Bureau
New York State Attorney General
The Capitol
Albany, NY 12224
(518) 776-2382
(518) 937-3148 (work cell)
michael.myers@ag.ny.gov

IMPORTANT NOTICE: This e-mail, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee. If you received this e-mail in error or from someone who was not authorized to send it to you, do not disseminate, copy or otherwise use this e-mail or its attachments. Please notify the sender

immediately by reply e-mail and delete the e-mail from your system.

Record No. 4

From: Myers, Michael
To: Aaron Kleinbaum (NJ); Adam Duh (PADEP); Aimee Thomson (PA AG); Alison Hoffman (RI); Andrea Baker; Andy Fitz (WA); Andy Goldberg; Ann Johnston (PA); Arsenio Mataka (CA); Asher Spiller; Aurora Janke; Beth Mullin (DC); "Bill F. Cooper (Hi)"; Bill Sherman -- WA AG's office; Blake Thomas (NC); Bo Reiley; Brad Motl (WI); Brian Caldwell (DC); Burianek, Lisa; Carrie Noteboom (CO); Chris Ryder (PA DEP); Christie Vosburg (CA); Christopher Courchesne; Cindy Chang (WA); Costello, Morgan; Dan Nubel (NV); Daniel Rottenberg (IL); David Apy (NJ); David Frankel (MA); David Hoffman (DC); David Zaft (CA); "David Zonana (Ca)"; Dennis Beck (CA); Dennis Ragen; Dianna Shinn (NJ); Dirth, Eric; "Elaine Meckenstock (Ca)"; Elizabeth Davis (PA DEP); Elizabeth Morrisseau; Emily Nelson (WA); Emily Vainieri; Eric Katz (CA); Francisco Benzoni (NC AG); Greg Schultz; Heather Leslie; "Jacob Larson (1a)"; James Moreno (PA DEP); Jameson Tweedie (DE); Jason James (IL); JB Howard (MD); Jennie Demjanick (PA DEP); Jennifer Berger (DC); Jennifer Fradel (NJ); Jesse Walker; Jill Lacedonia (CT); Jillian Riley; "Jonathan Wiener (Ca)"; Josh Segal (MD); Julia Forgie (CA); Kavita Lesser (CA); Kristen Mitchell (WA); Laura Jensen (ME); "Lauren Maxwell (DC)"; Leah Tulin (MD AG); Leigh Currie (MN); Leslie Frederickson (MN PCA); "Liz Rumsey (Ca)"; Lynn Angotti; Magliaro, Jeremy; Marc Bernstein (NC); Margaret Murphy (PA); Martin Goyette (CA); "Matthew Dunn (Il)"; Matthew Levine; McCabe, Gavin; Megan Herzog; Megan Hey (CA); Megan Ulrich (MDE); Melissa Hoffer; Menard, Brenda (NC); Michael Strande (MDE); Michelle Moses (PA); Mike Fischer (PA AG); Myers, Michael; Nate Zolick (WI); Neil Gordon (MI); Persampieri, Nick; Oliver Larson (MN); Patrick Flanagan; Paul Garrahan; Paul Kugelman (VA); Pete Surdo (MN); Rob Swanson (CA); Robert Snook; Rosenfeld, Wesley (DC); Sally Magnani; Sarah Kogel-Smucker (DC); Sarah Morrison (CA AG); Scott Boak (ME); "Scott Koschwitz (Ct)"; Scott Lichtig (CA); Scott Steinbrecher (CO); Seth Schofield (MA); Skip Pruss (MI); Smith, Nikolina (PA DEP); Srolovic, Lemuel; Stephen St. Vincent (PA); Steve Novick (OR); Steven Goldstein (MD); Susan Shinkman (DC); Tania Maestas; Taylor Crabtree (NC); Nord Tim D; "Timothy Sullivan (Ca)"; Tom Y (WA); "Tracy Triplett (Ma)"; Tricia Jedele; Turner Smith (MA); "Valerie Edge (De)"; Wagner, Monica; Washburn, Peter; William Grantham
Cc: Gillian Wener (MI)
Subject: Multistate AG Coordination Call
Date: Tuesday, July 14, 2020 10:56:30 AM
Attachments: 200710 - Clean Wisconsin Opinion.pdf
DOJ DTE filing opposing SC settlement.pdf
2020 Table with Spring Unified Agenda Update final redline.docx

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Resending (see my note below*)

All, the security code for today's call is [REDACTED].

Linked/attached are some materials for discussion.—Mike

https://www.epa.gov/sites/production/files/2020-07/documents/review_of_ozone_naaqs_admin.pdf (ozone NAAQS proposal)
https://nyu.zoom.us/webinar/register/WN_1GbICVoR_eUcPbZaamX6g (upcoming webinar on enforcement)

*Resending without the large attachment (Monsanto PCB settlement agreement) that caused a bounce back from many of you. I could not quickly find a link to the agreement, but have pasted below a news article about the settlement and the most relevant paragraph for our purposes):

<https://www.baltimorecountymd.gov/News/BaltimoreCountyNow/city-of-baltimore-and-baltimore-county-lead-550-million-national-resolution-of-environmental-pcb-claims-through-nationwide-class-settlement-between-governmental-entities-and-monsanto>

81. In the event that a State Attorney General or any other entity acting on behalf of a State or a State-controlled entity files a future action (on or after March 27, 2020) against Defendant related to PCBs for which one or more Settlement Class Members were or are compensated under this settlement, then Settlement Class Members, within that same state, that are permitted and

discharge or release PCBs into the 303(d) body of water impaired by PCBs that is the subject of the newly filed suit, shall have only their future payments reduced by twenty percent (20%). The 20% reduction of future payments shall occur evenly across all remaining payments in the payment schedule. In the event an Attorney General files a PCB suit that attempts to address PCBs across the entire state, then all Class Members in that state will have their future payments reduced by 20%. This Settlement shall not preclude nor waive any defenses Defendant may have with respect to such subsequently-filed action. This section requires that future payments to each entity be determined and notice of same be provided to Defendant prior to submitting the Settlement for Final Approval.

Michael J. Myers
Senior Counsel for Air Pollution and Climate Change Litigation
Environmental Protection Bureau
New York State Attorney General
The Capitol
Albany, NY 12224
(518) 776-2382
(518) 937-3148 (work cell)
michael.myers@ag.ny.gov

IMPORTANT NOTICE: This e-mail, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee. If you received this e-mail in error or from someone who was not authorized to send it to you, do not disseminate, copy or otherwise use this e-mail or its attachments. Please notify the sender immediately by reply e-mail and delete the e-mail from your system.

Record No. 5

From: [Persampieri, Nick](#)
To: [Sala, Natasha](#)
Subject: RE: Looking to procure documents
Date: Monday, August 31, 2020 1:29:00 PM
Attachments: 20200629 comment ltr pm naaqs f.pdf
 image001.png
 20200629 States and Cities SAFE Part 2 Petition for Reconsideration.pdf
 20200629 UCS et al SAFE Part II Petition for Reconsideration Print Copy.pdf

Natasha,

Here are two of them; the one regarding lightbulb's is Laura's. Note that the states' petition for reconsideration of the SAFE Rule incorporates a petition filed by the Union of Concerned Scientists and others. I have attached that also.

Nick

From: Sala, Natasha <Natasha.Sala@vermont.gov>
Sent: Sunday, August 30, 2020 12:08 AM
To: Persampieri, Nick <nick.persampieri@vermont.gov>
Subject: Looking to procure documents

Nick,

I am looking to include the documents to the Multi-state webpage but I do not have them. Just wondering if these any of these are your cases or if they are Laura's cases?

Letter

06/29/2020	COMMENTS	CLEAN AIR ACT AMBIENT AIR QUALITY	Comments opposing EPA's April 2020 review of the national ambient air quality standards (NAAQS) because the EPA Administrator did not strengthen the NAAQS for particulate matter.	VT, NY, CA, IL, CT, DE, MA, MI, MN, NJ, OR, PA, RI, VI, WA, WI	Sent 06/29/2020
06/01/2020	COMMENTS	ENERGY EFFICIENCY	Comments providing input to the Department of Energy's request for information on whether to amend lightbulb energy efficiency standards.	VT, CA, CO, CT, IL ME, MD, MA, MI, MN, NE, NJ, NY, OR, WA, D.C.	Sent 06/01/2020

Litigation

06/29/2020	In re Petition for Reconsideration of the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks, 85 Fed. Reg. 24,174 (April 30, 2020)	CLEAN AIR ACT ENERGY EFFICIENCY	States and Cities, including Vermont, filed a Petition of Reconsideration of the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule to EPA, arguing that EPA impermissibly presented a new CAA interpretation, EPA's final analysis is flawed, and EPA failed to adequately respond to relevant comments before adopting the final rule.	VT, CA, CO, IL, MA, ME, MD, MN, NJ, NY, NC, PA, RI, VI, WA, WI, D.C.	Filed 06/29/2020
------------	--	--	--	--	------------------

Thank you,

Natasha Sala
 Paralegal, Environmental Protection Division
 Office of the Attorney General
 109 State Street
 Montpelier, VT 05609
 828-3186



Record No. 6

From: [Sala, Natasha](#)
To: [Persampieri, Nick](#)
Subject: FW: Oil and Gas Petition for Review
Date: Thursday, September 24, 2020 2:38:45 PM
Attachments: Oil and Gas Petition for Review.msg

Nick,

I just want to follow up on this sign on petition. I am awaiting details, but if you prefer that I attempt it and send you a draft to the multi-state spreadsheet like I have done prior, I don't mind doing so.

Thanks,
Natasha

Record No. 7

From: [Sala, Natasha](#)
To: [Kolber, Justin](#); [Persampieri, Nick](#)
Subject: Please double check what I have added to the Multi-State spreadsheet
Date: Tuesday, September 29, 2020 2:57:24 PM
Attachments: 20200929 MultiState Spreadsheet.docx

Justin

Comments/Letters

- 7/6/20 Comments to EPA on perchloroethylene
- 12/30/19 Letter to EPA – *see email “REMINDER: TSCA sign-on” for description*

Lawsuit

- 8/18/20 Filed in Second Circuit Court of Appeals
 - Caption: *State of New York v. Wheeler*

Nick

Amicus Brief

- 09/23/2020
 - *Standing Rock Sioux Tribe, et al. v. United States Army Corps of Engineers and Dakota Access, LLC*

Thanks,

Natasha Sala
Paralegal, Environmental Protection Division
Office of the Attorney General
109 State Street
Montpelier, VT 05609
802-828-3186
Pronouns: she/her/hers

Record No. 8

From: [Persampieri, Nick](#)
To: [Sala, Natasha](#); [McDougall, Robert](#)
Subject: Ozone NAAQS Comments Filed Today
Date: Thursday, October 1, 2020 5:57:00 PM
Attachments: 2020.10.01 Ozone NAAQS Review - Multi-state Comment LetterA FILED.pdf

Here is a multistate comment letter that was filed today. Natasha, please post it.

Type of Matter: Comment letter

Subject Matter: Clean Air

Description: Multistate comments opposing EPA's proposal to retain National Ambient Air Quality Standards for Ozone at level set in 2015.

Thank you.

Nick

Nicholas F. Persampieri
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609
(802) 828-6902

Record No. 9

From: [Persampieri, Nick](#)
To: mquirke@quirkelawfirm.com
Subject: October 13 4 PM ET Webcast on Secondary NAAQS for GHGs
Date: Wednesday, October 7, 2020 5:47:00 PM

Michael,

I would like to watch this webcast. Thank you, and thanks for doing this.

Nick

Nicholas F. Persampieri
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609
(802) 828-6902

Record No. 10

From: [Persampieri, Nick](#)
To: [Michael Quirke](#)
Subject: RE: October 13 4 PM ET Webcast on Secondary NAAQS for GHGs
Date: Thursday, October 8, 2020 9:24:00 AM

Got it, Michael. Thanks. Looking forward to it.

Nick

Nicholas F. Persampieri
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609
(802) 828-6902

From: Michael Quirke <mquirke@quirkelawfirm.com>
Sent: Thursday, October 8, 2020 9:23 AM
To: Persampieri, Nick <nick.persampieri@vermont.gov>
Subject: Re: October 13 4 PM ET Webcast on Secondary NAAQS for GHGs

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Nick,

Apologies, just sent. Had you in my second batch of confirmations. Look forward to connecting on Tuesday. Have a good morning!

Very Respectfully,

Michael

On Thu, Oct 8, 2020 at 5:53 AM Persampieri, Nick <nick.persampieri@vermont.gov> wrote:

Thanks Michael. I don't see the email with the link. Can you resend?

Nick

Nicholas F. Persampieri
Assistant Attorney General
Office of the Attorney General
109 State Street

Montpelier, VT 05609
(802) 828-6902
nick.persampieri@vermont.gov

From: Michael Quirke <mquirke@quirkelawfirm.com>
Sent: Wednesday, October 7, 2020 7:21 PM
To: Persampieri, Nick <nick.persampieri@vermont.gov>
Subject: Re: October 13 4 PM ET Webcast on Secondary NAAQS for GHGs

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Nick,

You're welcome! BTW, just sent you a confirmation email with the link. Look forward to connecting on Tuesday!

Very Respectfully,

Michael

On Wed, Oct 7, 2020 at 4:47 PM Persampieri, Nick <nick.persampieri@vermont.gov> wrote:

Michael,

I would like to watch this webcast. Thank you, and thanks for doing this.

Nick

Nicholas F. Persampieri
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609
(802) 828-6902

--

Michael A. Quirke
mquirke@quirkelawfirm.com
Quirke Law Firm
12407 N. Mopac Expy, Suite 250
Austin, Texas 78758

Office: 512-229-0788

Twitter: @TheQuirke

Record No. 11

From: [Persampieri, Nick](#)
To: [Michael Quirke](#)
Subject: RE: October 13 4 PM ET Webcast on Secondary NAAQS for GHGs
Date: Thursday, October 8, 2020 6:52:00 AM

Thanks Michael. I don't see the email with the link. Can you resend?

Nick

Nicholas F. Persampieri
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609
(802) 828-6902
nick.persampieri@vermont.gov

From: Michael Quirke <mquirke@quirkelawfirm.com>
Sent: Wednesday, October 7, 2020 7:21 PM
To: Persampieri, Nick <nick.persampieri@vermont.gov>
Subject: Re: October 13 4 PM ET Webcast on Secondary NAAQS for GHGs

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Nick,

You're welcome! BTW, just sent you a confirmation email with the link. Look forward to connecting on Tuesday!

Very Respectfully,

Michael

On Wed, Oct 7, 2020 at 4:47 PM Persampieri, Nick <nick.persampieri@vermont.gov> wrote:

Michael,

I would like to watch this webcast. Thank you, and thanks for doing this.

Nick

Nicholas F. Persampieri
Assistant Attorney General

Office of the Attorney General
109 State Street
Montpelier, VT 05609
(802) 828-6902

Record No. 12

From: [Michael Quirke](#)
To: [Michael Quirke](#)
Subject: Registration Confirmed: The Secondary GHG NAAQS Pathway - Tues., 10/13/20, 3PM CT / 4PM ET (1 hour)
Date: Thursday, October 8, 2020 9:07:55 AM
Attachments: Invitation - The Secondary GHG NAAQS Pathway - 101320 3PM CT4PM ET.png
Biden's Climate Plan Overlooks Powerful GHG Weapon, 8.20.20, Law360, M.Quirke.pdf

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Participants,

Thank you for registering! I've discovered that GoToWebinar.com is glitchy, so we're going to go with a regular Zoom Pro meeting for this presentation plus Q&A. The link to join is below. I will disable the display of your names and video and automatically mute participants during the presentation to keep your identities private; but to further ensure you remain anonymous, even while using the chat function or participating in the Q&A, feel free to use a pseudonym for your username (you can choose a username before you start or change it during the session). You don't *have* to be anonymous, but I'm respecting people's privacy by default.

I'm trying to keep my presentation to 35 minutes to allow for plenty of Q&A time. We already have a good number of RSVPs at this point, which is exciting, and I look forward to sharing my proposal for a secondary GHG NAAQS with you, answering questions, and receiving some feedback if time allows!

Very Respectfully,

Michael Quirke

P.S. Feel free to share this email or the attached invite with others, but please know that people must RSVP to be admitted, and I retain the discretion to decline requests, as I plan on "showing my hand" a bit. Also, if you'd like to familiarize yourself with my particular secondary GHG NAAQS argument before the presentation, my latest Law360 article is attached and my law journal article can be downloaded [here](#). The former serves as a good summary. I look forward to connecting with you on Tuesday!

Michael Quirke is inviting you to a scheduled Zoom meeting.

Topic: The Secondary GHG NAAQS Pathway

Time: Oct 13, 2020 03:00 PM Central Time (US and Canada)

Join Zoom Meeting

[Redacted]

[Redacted]

Dial by your location

[Redacted]



--

Michael A. Quirke

mquirke@quirkelawfirm.com

Quirke Law Firm

12407 N. Mopac Expy, Suite 250

Austin, Texas 78758

Office: 512-229-0788

Twitter: @TheQuirke

Record No. 13

From: [Michael Quirke](#)
To: [Michael Quirke](#)
Subject: Re: Registration Confirmed: The Secondary GHG NAAQS Pathway - Tues., 10/13/20, 3PM CT / 4PM ET (1 hour)
Date: Tuesday, October 13, 2020 10:36:09 AM

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Look forward to connecting this afternoon! Also, if you have a burning question that you'd definitely like addressed, feel free to submit it beforehand via email!

Very Respectfully,

Michael Q

On Thu, Oct 8, 2020 at 8:07 AM Michael Quirke <mquirke@quirkelawfirm.com> wrote:

Dear Participants,

Thank you for registering! I've discovered that GoToWebinar.com is glitchy, so we're going to go with a regular Zoom Pro meeting for this presentation plus Q&A. The link to join is below. I will disable the display of your names and video and automatically mute participants during the presentation to keep your identities private; but to further ensure you remain anonymous, even while using the chat function or participating in the Q&A, feel free to use a pseudonym for your username (you can choose a username before you start or change it during the session). You don't *have* to be anonymous, but I'm respecting people's privacy by default.

I'm trying to keep my presentation to 35 minutes to allow for plenty of Q&A time. We already have a good number of RSVPs at this point, which is exciting, and I look forward to sharing my proposal for a secondary GHG NAAQS with you, answering questions, and receiving some feedback if time allows!

Very Respectfully,

Michael Quirke

P.S. Feel free to share this email or the attached invite with others, but please know that people must RSVP to be admitted, and I retain the discretion to decline requests, as I plan on "showing my hand" a bit. Also, if you'd like to familiarize yourself with my particular secondary GHG NAAQS argument before the presentation, my latest Law360 article is attached and my law journal article can be downloaded [here](#). The former serves as a good summary. I look forward to connecting with you on Tuesday!

Michael Quirke is inviting you to a scheduled Zoom meeting.

Topic: The Secondary GHG NAAQS Pathway

Time: Oct 13, 2020 03:00 PM Central Time (US and Canada)

Join Zoom Meeting

[REDACTED]

[REDACTED]

Dial by your location



--

Michael A. Quirke
mquirke@quirkelawfirm.com
Quirke Law Firm
12407 N. Mopac Expy, Suite 250
Austin, Texas 78758
Office: 512-229-0788
Twitter: @TheQuirke

--

Michael A. Quirke
mquirke@quirkelawfirm.com
Quirke Law Firm
12407 N. Mopac Expy, Suite 250
Austin, Texas 78758
Office: 512-229-0788
Twitter: @TheQuirke

Record No. 14

From: [Michael Quirke](#)
To: [Michael Quirke](#)
Subject: Re GHG NAAQS presentation: Thank you, request for feedback, & invitation to virtual Happy Hour this evening!
Date: Thursday, October 15, 2020 2:11:10 PM

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Everyone!

Just wanted to thank and follow up with those that attended my GHG NAAQS presentation on Tuesday or RSVPed for the event. For those that made it, I appreciate you giving me your time and please know that I welcome constructive criticism, first impressions, points of disagreement, and any and all feedback! (That's how I improve and hone my argument!) For those that RSVPed but were unable to attend, please do shoot me an email (if you haven't already) and I'll let you know when I'm having my next open presentation. Also, know that I'm more than willing to give private presentations to or have interactive sessions with specific groups upon request. I have two of these set up next week, which is exciting!

Finally, as mentioned in my presentation, **YOU'RE INVITED TO A VIRTUAL, INTERACTIVE-HAPPY HOUR THIS EVENING at 6 PM CT!** So if you're interested in shooting the breeze on any and all things remotely related to climate law and policy, Clean Air Act regulation, and maybe some baseball, science fiction, and the election---shoot me an email and I'll send you the link! It's all about community!

Sincerely,

Michael Q

--

Michael A. Quirke
mquirke@quirkelawfirm.com
Quirke Law Firm
12407 N. Mopac Expy, Suite 250
Austin, Texas 78758
Office: 512-229-0788
Twitter: @TheQuirke

Record No. 15

From: Myers, Michael
To: Aaron Kleinbaum (NJ); Adam Duh (PADEP); Aimee Thomson (PA AG); Alison Hoffman (RI); Andrea Baker; Andy Fitz (WA); Andy Goldberg; Ann Johnston (PA); Arsenio Mataka (CA); Asher Spiller; Aurora Janke; Beth Mullin (DC); Bill Dornbos (CT); "Bill F. Cooper (Hi)"; Bill Sherman -- WA AG's office; Blake Thomas (NC); Bo Reiley; Brad Mott (WI); Brian Caldwell (DC); Burianek, Lisa; Carrie Noteboom (CO); Chris Ryder (PA DEP); Christie Vosburg (CA); Christopher Courchesne; Cindy Chang (WA); Costello, Morgan; Dan Nubel (NV); Daniel Rottenberg (IL); David Apy (NJ); David Frankel (MA); David Hoffman (DC); David Zaft (CA); "David Zonana (Ca)"; Dennis Beck (CA); Dennis Ragen; Dianna Shinn (NJ); Dirth, Eric; "Elaine Meckenstock (Ca)"; Elizabeth Davis (PA DEP); Elizabeth Morrissette; Emily Nelson (WA); Emily Vainieri; Eric Katz (CA); Francisco Benzoni (NC AG); Greg Schultz; Heather Leslie; Hirschman, Daniel (NC); "Jacob Larson (Ia)"; James Moreno (PA DEP); Jameson Tweedie (DE); Jason James (IL); JB Howard (MD); Jennie Demjanick (PA DEP); Jennifer Berger (DC); Jennifer Fradel (NJ); Jesse Walker; Jill Lacedonia (CT); Jillian Riley; "Jonathan Wiener (Ca)"; Josh Segal (MD); Julia Forgie (CA); Kavita Lesser (CA); Kristen Mitchell (WA); Laura Jensen (ME); "Lauren Maxwell (DC)"; Leah Tulin (MD AG); Leigh Currie (MN); Leslie Frederickson (MN PCA); "Liz Rumsey (Ca)"; Lynn Angotti; Magliaro, Jeremy; Marc Bernstein (NC); Margaret Murphy (PA); Martin Goyette (CA); "Matthew Dunn (Il)"; Matthew Levine; McCabe, Gavin; Megan Herzog; Megan Hey (CA); Megan Ulrich (MDE); Melissa Hoffer; Menard, Brenda (NC); Michael Strande (MDE); Michelle Moses (PA); Mike Fischer (PA AG); Myers, Michael; Nate Zolick (WI); Neil Gordon (MI); Persampleri, Nick; Oliver Larson (MN); Parks Barroso (CO); Parlin, Molly; Patrick Flanagan; Paul Garrahan; Paul Kugelman (VA); Pete Surdo (MN); Rob Swanson (CA); Robert Snook; Rosenfeld, Wesley (DC); Sally Magnani; Sarah Morrison (CA AG); Scott Boak (ME); "Scott Koschwitz (Ci)"; Scott Lichtig (CA); Scott Steinbrecher (CO); Seth Schofield (MA); Skip Pruss (MI); Smith, Nikolina (PA DEP); Srolovic, Lemuel; Stephen St. Vincent (CA); Steve Novick (OR); Steven Goldstein (MD); Susan Shinkman (DC); Tania Maestas; Taylor Crabtree (NC); Nord Tim D; "Timothy Sullivan (Ca)"; Tom Y (WA); "Tracy Triplett (Ma)"; Tricia Jedeke; Turner Smith (MA); "Valerie Edge (De)"; Wagner, Monica; Washburn, Peter; William Grantham
Subject: Today's multistate call
Date: Tuesday, November 17, 2020 9:24:52 AM
Attachments: The 2017 Roscoe Pound Lecture The Limits of Executive.pdf
A Roadmap to Regulatory Strategy in an Era of Hyper-Partisanship.pdf
Heinzerling article on agency delay rules.pdf
Card memo re freeze of reqs.pdf

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

All—Some materials (some old, some new) attached/linked for our discussion on the 2 pm eastern call. A housekeeping note that today's call will be by WebEx, not the usual conf. call line. All of you should have received a revised invite for today's meeting. If you didn't, let me know.--Mike

https://www.huffpost.com/entry/trump-epa_n_5fadbd38c5b6b36333689adf (article on 3 EPA rules likely to be finalized before end of the Trump Admin.)

Michael J. Myers
Senior Counsel
Environmental Protection Bureau
New York State Attorney General
The Capitol
Albany, NY 12224
(518) 776-2382
(518) 937-3148 (work cell)
michael.myers@ag.ny.gov

IMPORTANT NOTICE: This e-mail, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee. If you received this e-mail in error or from someone who was not authorized to send it to you, do not disseminate, copy or otherwise use this e-mail or its attachments. Please notify the sender immediately by reply e-mail and delete the e-mail from your system.