Congress of the United States
Washington, DC 20515

July 20, 2004

The Honorable Michael O. Leavitt, Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Leavitt,

We are deeply concerned about the rulemaking process for regulation of "solvent-contaminated industrial wipes." On November 20, 2003, the Environmental Protection Agency proposed new conditional exemptions for these wipes from solid and hazardous waste requirements.[1] This proposal represents a change in course regarding the federal regulations governing the handling of soiled reusable shop towels. Serious concerns have been raised about the process EPA used to develop this proposal. We are writing to request your assistance in developing a better understanding of this matter.

Based on what we know from a *Washington Post* article on the subject, it seems that in developing the proposal, EPA conducted public participation in an inappropriate and one-sided manner.[2] Apparently, the industrial laundry industry obtained extensive access to agency decision-makers, while other stakeholders, including representatives for workers, environmental concerns, and other affected industries, were neglected.

We are concerned that the full extent of the contacts between EPA officials and staff and outside entities with regard to this matter is not known. According to representatives of workers employed in industrial laundries, EPA's practice prior to the summer of 2001 had generally been to disclose EPA's contacts with stakeholders interested in federal regulation of solvent-contaminated industrial wipes. However, the worker representatives indicate that in the summer of 2001, EPA began limiting such disclosures. The investigation by the *Washington Post*, as well as communications from the laundry industry to its members, indicate that there were a large number of meetings, telephone conversations, and written communications between industrial laundry representatives and EPA officials. However, it appears that EPA has not made many of these contacts public through the rulemaking docket.

There is also evidence that EPA gave industrial laundries representatives, but no other interested stakeholders, the opportunity to view and comment on EPA's decisions and at least some draft language for the proposal.

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[1] U.S. EPA, *Hazardous Waste Management System: Identification and Listing of Hazardous Waste: Conditional Exclusions from Hazardous Waste and Solid Waste for Solvent-Contaminated Industrial Wipes, Proposed Rule*, 68 Fed. Reg. 65586 (Nov. 20, 2003).

[2] *See Fundraiser Denies Link Between Money, Access*, Washington Post, A1, (May 17, 2004).

In light of the change in EPA policy represented by the proposal and the concerns raised by the *Washington Post* story and other stakeholders with an interest in this rulemaking, we believe it is critical to better understand this matter. Specifically, we request that you provide us the following information:

- Please provide copies of any internal policies or guidance governing EPA's interactions with outside parties during or prior to a rulemaking. Please also describe EPA's practices, if any, used to avoid the appearance of favoritism or undue influence in the agency's decision-making processes.

- Please provide copies of each record of any contact between EPA personnel and representatives of the industrial laundry industry since January 2001. For each contact for which there is no record or the record is incomplete, please provide the following information: date of contact; names and/or positions of staff involved; names and affiliations of outside parties; and summary of discussion.

- Please provide copies of all documents, whether written or electronic, exchanged between EPA and representatives of the industrial laundry industry since January 2001. For documents available through the public docket, please simply identify the document and provide a docket number.

We request that you provide this information by August 20, 2004.

Because of the seriousness of this matter, we have also shared our concerns with Inspector General Nikki Tinsley and requested that she investigate this matter. We look forward to your response. If you have any questions regarding this request, please contact Leticia Mederos of Rep. De Lauro's staff.

Sincerely,

Rosa L. DeLauro
Member of Congress

Henry A. Waxman
Member of Congress

Barbara Boxer
U.S. Senate

Hillary Rodham Clinton
U.S. Senate