



The Environmental Law Center
at the American Tradition Institute

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**ATI Files FOIA Request with EPA;
Request Seeks Discussions Of Alleged Shakedown Of Private Contractor To Stop Working For
Disfavored Group, Or Lose Government Business**

Washington – Today, the American Tradition Institute (ATI) filed a [Freedom of Information request](#) with the Environmental Protection Agency (EPA) seeking all e-mails, instant messages (IMs), and texts from EPA’s Headquarters Office of Air and Radiation and/or Office of the Administrator that involve the Association of Air Pollution Control Agencies (AAPCA), and an EPA and AAPCA contractor, Battelle.

In January, a group of 17 states formed [AAPCA](#) in order to “create a technical forum to assist states with the application of various aspects of the Clean Air Act and associated regulations.” Apparently, the technical information generated by the group is not well received within EPA, and EPA has apparently intimidated at least one AAPCA contractor, [Battelle](#), a nonprofit research and development organization, who appears to have succumbed to pressure from EPA to terminate its relationship with AAPCA for fear of jeopardizing current or possible future EPA contacts.

In a recent letter to the EPA, the Texas Department of Environmental Quality (TCEQ) expressed concern about this type of retaliatory actions by EPA against Battelle. In the letter, addressed to EPA Administrator for Air and Radiation Gina McCarthy, TCEQ questioned “EPA inform[ing] Battelle that Battelle would be required to terminate its contract with EPA or jeopardize other already established and future contracts Battelle has with EPA.”

In FY 2012-13, Battelle was awarded [\\$14 million](#) in EPA grants and contracts, and [\\$239 million](#) since 2005, according to [USASpending.gov](#). This reliance on EPA grants and contracts would explain an EPA assumption that such pressure would work, and apparently it has, since ATI understands that Battelle dissolved the contract with AAPCA in March 2013 after EPA asserted this position.

"ATI is troubled by this credible allegation of 'gangster government' that, sadly, sounds all-too believable in the context of the past four years," said Christopher Horner, ATI's Environmental Law Center's Director of Litigation, who filed the FOIA request. "As such, we look forward to learning what EPA officials said among themselves about this alleged mob-style intimidation of a private company, one more way to pressure states and advance an economically destructive agenda that was rejected by the proper, democratic process."

Horner added, "We recognize, of course, that when dealing with in an administration, which early on made clear its attitude of "[put nothing in writing, ever](#)", it is possible we will be left with a state regulator's word against EPA's. If that proves to be the case, we leave it to the public and lawmakers to decide whom to believe, based on their respective records."

[American Tradition Institute](#) (ATI) is a public policy research and public interest litigation foundation advocating restoration of science and free-market principles on environmental issues, including air and water quality and regulation, responsible land use, natural resource management, energy development, property rights, and principles of stewardship. All supporting documents and images regarding the above-referenced litigation and findings may be accessed at www.atinstitute.org.