From:	Topham, Nathan
To:	"Hodson Marten, Elke L. EOP/OMB"; Mudd, Austin B. EOP/OMB; Koerber, Mike; VanLare, Paula; Manibusan, Mary; French, Chuck; Jordan, Scott; Kymn, Christine J. EOP/OMB
Cc:	Thomas, Amanda L. EOP/OMB; Sorrels, Larry; Weatherhead, Darryl; Eck, Janet (Eck.Janet@epa.gov)
Subject:	RE: Interagency Passback on Wood Heaters Rule
Date:	Thursday, May 14, 2020 5:00:00 PM
Attachments:	Passback 20200513 EO 12866_Wood Heaters NSPS 2060-AU87 Proposed Amendments_20200514_clean.docx Passback 20200513 EO 12866_Wood Heaters NSPS 2060-AU87 Proposed Amendments_20200514_redline.docx

Hi Elke,

Per our earlier conversation, here are redline and clean versions that incorporate the following:

1. Removes the statements in the preamble wherever we stated that we thought there would be no net impacts from the proposed action
2. Removes the quantitative analysis from section IV
3. Adds language to section IV stating that we understand there may be impacts resulting from this proposal, alerting readers to the fact that we're placing the 2018 supplemental RIA in the docket as an illustration of potential impacts of additional sales time, and seeking comment that may inform what impacts could occur if the proposal is finalized.

Hope this resolves everything that was still outstanding. Please let me know when you think OMB will be able to clear the package so folks over here can plan accordingly.

Thanks,
Nate

From: Hodson Marten, Elke L. EOP/OMB <Elke.L.HodsonMarten@omb.eop.gov>
Sent: Wednesday, May 13, 2020 4:16 PM
To: Topham, Nathan <Topham.Nathan@epa.gov>; Mudd, Austin B. EOP/OMB <Austin.B.Mudd@omb.eop.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; VanLare, Paula <VanLare.Paula@epa.gov>; Manibusan, Mary <Manibusan.Mary@epa.gov>; French, Chuck <French.Chuck@epa.gov>; Jordan, Scott <Jordan.Scott@epa.gov>; Kymn, Christine J. EOP/OMB <Christine.J.Kymn@omb.eop.gov>
Cc: Thomas, Amanda L. EOP/OMB <Amanda_L._Thomas@omb.eop.gov>; Sorrels, Larry <Sorrels.Larry@epa.gov>; Weatherhead, Darryl <Weatherhead.Darryl@epa.gov>
Subject: RE: Interagency Passback on Wood Heaters Rule

All,

We are passing back a redline. We didn't see our comments accepted on the preamble, so we are passing them back again plus the redline edits to Section IV. We have not attempted to work off of the new version you sent around 2:30pm. We have edited down the RIA so that it now no longer has historical years and cut and paste the redline into that section. No new numbers are in the analysis.

The EO 13771 section has been deleted. We've discussed with EPA that there is not time to take on the EO 13771 designation at least in the NPRM stage with the COVID reviews.

If this works for EPA, we can conclude review on a clean version of this document.

Elke

From: Topham, Nathan <Topham.Nathan@epa.gov>
Sent: Wednesday, May 13, 2020 2:29 PM
To: Mudd, Austin B. EOP/OMB <Austin.B.Mudd@omb.eop.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; VanLare, Paula <VanLare.Paula@epa.gov>; Manibusan, Mary <Manibusan.Mary@epa.gov>; French, Chuck <French.Chuck@epa.gov>; Jordan, Scott <Jordan.Scott@epa.gov>
Cc: Thomas, Amanda L. EOP/OMB <Amanda_L._Thomas@omb.eop.gov>; Hodson Marten, Elke L. EOP/OMB <Elke.L.HodsonMarten@omb.eop.gov>; Sorrels, Larry <Sorrels.Larry@epa.gov>; Weatherhead, Darryl <Weatherhead.Darryl@epa.gov>
Subject: RE: Interagency Passback on Wood Heaters Rule

Hello all,

Here are revised versions that address the concerns raised. I've attached the following documents:

1. A copy of the 2018 RIA with a cover note explaining how this information can be used to inform the reader about potential impacts of a sell through. It is our understanding that following another conversation between our management and OMB's, this document and corresponding preamble revisions will suffice to address the questions regarding potential economic impacts of this action.
2. A redline version of the preamble addressing the most recent passback. We're not aware of which template for EO 13771 you recommend in lieu of the version we'd had. That EO section is still blank.
3. A clean version of the preamble with all changes in the redline version attached to this email accepted & all comments removed.

Our management has again asked that OMB release the package today so it can be signed ASAP. Please let me know if you think this won't be possible so I can let the appropriate people over here know.

Thanks,
Nate

From: Mudd, Austin B. EOP/OMB <Austin.B.Mudd@omb.eop.gov>
Sent: Wednesday, May 13, 2020 11:15 AM
To: Topham, Nathan <Topham.Nathan@epa.gov>; Koerber, Mike <Koerber.Mike@epa.gov>; VanLare, Paula <VanLare.Paula@epa.gov>; Manibusan, Mary <Manibusan.Mary@epa.gov>; French, Chuck <French.Chuck@epa.gov>; Jordan, Scott <Jordan.Scott@epa.gov>
Cc: Thomas, Amanda L. EOP/OMB <Amanda_L._Thomas@omb.eop.gov>; Hodson Marten, Elke L. EOP/OMB <Elke.L.HodsonMarten@omb.eop.gov>

Subject: RE: Interagency Passback on Wood Heaters Rule

Dear all,

Thank you for EPA's most recent passback. Please see the two attached files: 1) the edited preamble with tracked changes (we accepted your edits on the version from yesterday and tracked new edits) and 2) the 2018 proposed RIA with tracked changes.

The preamble edits provide conforming edits for the economic analysis.

On the RIA, we believe there may have been some miscommunication. As we discussed on the phone, the 2018 proposed rule RIA can be a good starting point for the economic analysis. We have provided edits and comments in the attached on how the RIA can be amended to be applicable for this rule package.

If a call would be helpful, we are available to discuss by phone later today.

Thank you,
Austin

From: Hodson Marten, Elke L. EOP/OMB <Elke.L.HodsonMarten@omb.eop.gov>
Sent: Wednesday, May 13, 2020 8:56 AM
To: Topham, Nathan <Topham.Nathan@epa.gov>
Cc: Mudd, Austin B. EOP/OMB <Austin.B.Mudd@omb.eop.gov>; VanLare, Paula <VanLare.Paula@epa.gov>; Manibusan, Mary <Manibusan.Mary@epa.gov>; French, Chuck <French.Chuck@epa.gov>; Jordan, Scott <Jordan.Scott@epa.gov>; Thomas, Amanda L. EOP/OMB <Amanda_L._Thomas@omb.eop.gov>; Koerber, Mike <Koerber.Mike@epa.gov>
Subject: Re: Interagency Passback on Wood Heaters Rule

Hi all,

We're planning to send passback later this morning.

Elke

> On May 13, 2020, at 8:42 AM, Topham, Nathan <Topham.Nathan@epa.gov> wrote:
>
> Hey Austin,
>
> Just checking in. Any update on the status of wood heaters and when you anticipate it may be cleared by OMB? A lot of people over here have been inquiring.
>
> Thanks,

Nate

From: Topham, Nathan
Sent: Tuesday, May 12, 2020 11:19 AM
To: Mudd, Austin B. EOP/OMB <Austin.B.Mudd@omb.eop.gov>; VanLare, Paula <VanLare.Paula@epa.gov>; Manibusan, Mary <manibusan.mary@epa.gov>; French, Chuck <French.Chuck@epa.gov>; Jordan, Scott <Jordan.Scott@epa.gov>
Cc: Hodson Marten, Elke L. EOP/OMB <Elke.L.HodsonMarten@omb.eop.gov>; Thomas, Amanda L. EOP/OMB <Amanda_L._Thomas@omb.eop.gov>; Koerber, Mike <Koerber.Mike@epa.gov>
Subject: Interagency Passback on Wood Heaters Rule

Hi Austin,

Attached you'll find a new version that incorporates the following:

1. Per our call yesterday, adds language and a citation linking the impact on retailers to manufacturers based on information in the record.
2. Makes wording edits to clarify the intent of this action (i.e. differentiating this proposal from a "sell-through" that would have added time to the original 5 year period)
3. Removes comment bubbles and accepts edits from prior iterations to clean up the document

Per the discussion between EPA senior management and OMB that took place yesterday, we'll be adding the following to the docket: The 2018 proposal supplemental RIA with a cover note indicating this document shows an illustration of what costs for a "sell-through" action may look like.

Our senior management has asked that OMB please clear the package today.

Thanks,
Nate

From: Mudd, Austin B. EOP/OMB <Austin.B.Mudd@omb.eop.gov>
Sent: Monday, May 11, 2020 1:52 PM
To: VanLare, Paula <VanLare.Paula@epa.gov>; Manibusan, Mary <Manibusan.Mary@epa.gov>; French, Chuck <French.Chuck@epa.gov>; Topham, Nathan <Topham.Nathan@epa.gov>; Jordan, Scott <Jordan.Scott@epa.gov>
Cc: Hodson Marten, Elke L. EOP/OMB <Elke.L.HodsonMarten@omb.eop.gov>; Thomas, Amanda L. EOP/OMB <Amanda_L._Thomas@omb.eop.gov>
Subject: DOJ/EPA/OMB Call
Importance: High

Dear all,

DOJ wants to have another call with EPA to discuss wood heaters. Would you all be available either 3:00-4:30 pm today or 3:30-4:00 pm tomorrow?

Thank you,
Austin