



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

OFFICE OF
GENERAL COUNSEL

January 21, 2021

Jean E. Williams
Bruce S. Gelber
Deputy Assistant Attorneys General
Environment and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
transmitted electronically

Re: Abeyances in EPA Rule Cases

Dear Jean and Bruce:

In conformance with President Biden's *Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* issued January 20, 2021, (Health and Environment EO), this will confirm my request on behalf of the U.S. Environmental Protection Agency (EPA) that the U.S. Department of Justice (DOJ) seek and obtain abeyances or stays of proceedings in pending litigation seeking judicial review of any EPA regulation promulgated between January 20, 2017, and January 20, 2021, or seeking to establish a deadline for EPA to promulgate a regulation in connection with the subject of any such regulation, in order to provide an opportunity for new Agency leadership to review the underlying rule or matter. *See Health and Environment EO* at Section 2; *see also Memorandum for the Heads of Executive Departments and Agencies: Regulatory Freeze Pending Review*, January 20, 2021. For a case where an abeyance or stay of proceedings is not feasible, we request that DOJ seek extensions of time that are of sufficient duration to allow this review. While these rule cases are a particularly high priority, we also anticipate that a similar request may apply for additional cases in a defensive posture. For any case that you believe merits separate consideration, or for which you believe an abeyance, stay of proceedings, or sufficient extension is not feasible, please promptly notify us and the involved EPA Office of General Counsel's Associate General Counsel for a discussion.

The EPA Office of General Counsel will work with DOJ to help carry out this request. If there are questions, feel free to contact me, Jim Payne, payne.james@epa.gov, 202-672-3727, or the

Associate General Counsel for the case. Thank you.

Sincerely,

**Melissa A.
Hoffer**

Digitally signed by
Melissa A. Hoffer
Date: 2021.01.21
18:51:13 -05'00'

Melissa A. Hoffer
Acting General Counsel

Cc: Jim Payne