

**SUBPOENA**

**BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE  
CONGRESS OF THE UNITED STATES OF AMERICA**

The Honorable Andrew Wheeler

To \_\_\_\_\_

You are hereby commanded to be and appear before the  
Committee on Science, Space and Technology

\_\_\_\_\_ of the House of Representatives of the United States at the place, date, and time specified below.

- to produce the things identified on the attached schedule** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: 2321 Rayburn House Office Building  
Date: November 19, 2019 Time: 5:00 pm

- to testify at a deposition** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: \_\_\_\_\_  
Date: \_\_\_\_\_ Time: \_\_\_\_\_

- to testify at a hearing** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: \_\_\_\_\_  
Date: \_\_\_\_\_ Time: \_\_\_\_\_

To Any authorized staff member, or the U.S. Marshals Service.

\_\_\_\_\_ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at  
the city of Washington, D.C. this 15th day of November, 2019.

*Eddie Bernice Johnson*  
Chairman or Authorized Member

Attest:  
*[Signature]*  
Clerk

**PROOF OF SERVICE**

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Subpoena for The Honorable Andrew Wheeler

Address Environmental Protection Agency, 1301 Constitution Ave. NW, Washington, D.C., 20460

before the Committee on Science, Space and Technology

*U.S. House of Representatives  
116th Congress*

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Served by (print name) \_\_\_\_\_

Title \_\_\_\_\_

Manner of service \_\_\_\_\_

Date \_\_\_\_\_

Signature of Server \_\_\_\_\_

Address \_\_\_\_\_

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### Schedule

1. The response of the Office of Children's Health Protection (OCHP) to the second-round survey on IRIS priorities (as described on page 25 of the Government Accountability Office March 2019 report "Chemical Assessment: Status of the EPA's Efforts to Produce Assessments and Implement the Toxic Substances Control Act").

### Schedule Instructions

1. In complying with this subpoena, you are required to produce all responsive documents, in unredacted form, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Subpoenaed records, documents, data or information are not to be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
3. If any entity, organization or individual denoted in this subpoena has been, or is also known by any other name than that herein denoted, the subpoena shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
5. Documents produced in electronic format should also be organized, identified, and indexed electronically.
6. Electronic document production should be prepared according to the following standards:
  - a. The production should consist of single page PDF files.
  - b. Document numbers in the load file should match document Bates numbers and PDF file names.
  - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.
8. Documents produced in response to this subpoena shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
9. When you produce documents, identify the paragraph(s) in the Committee's schedule to which the documents respond.

10. It is not a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
11. If any of the subpoenaed information is only reasonably available in machine-readable format (such as on a computer server, hard drive, or computer back up tape), then consult with the Committee staff to determine the appropriate format in which to produce the information.
12. If compliance with the subpoena cannot be made in full by the specified return date, compliance shall be made to the to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
13. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document:
  - a. The privilege asserted;
  - b. The basis of the privilege asserted;
  - c. The type of document;
  - d. The general subject matter;
  - e. The date, author and addressee and any other recipient;
  - f. The relationship of the author and addressee to each other.
14. If any document responsive to this subpoena was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients), its whereabouts to the best of your ability, and explain the circumstances under which the document ceased to be in your possession, custody, or control.
15. If a date or other descriptive detail set forth in this subpoena referring to a document is inaccurate, but the actual date or other descriptive detail is known to your or is otherwise apparent from the context of the subpoena, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
16. This subpoena is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
17. Bates-stamp all documents sequentially and produce them sequentially.
18. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2321 of the Rayburn House Office Building and the Minority Staff in Room 324 of the Ford House Office Building.
19. Upon completion of the document production, submit a written certification, signed by you or your counsel, stating that:

- a. A diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and
- b. All documents located during the search that are responsive have been produced to the Committee.

**Please be aware that it is a federal crime (18 U.S.C. §1001) to provide false information in the course of a Congressional investigation or review.**

#### Schedule Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms "person" or "persons" mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates,

divisions, departments, branches, or other units thereof, and all persons or entities acting on their behalf.

5. The term "identify," when used in a question about individuals, means to provide the following information:
  - a. the individual's complete name and title; and
  - b. the individual's business address and phone number
  - c. any and all known aliases.
6. The term "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.