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**From:** Culligan, Kevin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5AB7EF4A59614FD4B4485668C42818C7-KCULLIGA]  
**Sent:** 6/29/2022 9:45:47 PM  
**To:** Ashley, Jackie [Ashley.Jackie@epa.gov]  
**CC:** Noonan, Jenny [Noonan.Jenny@epa.gov]  
**Subject:** RE: Press Response - SCOTUS - United States v. West Virginia

It is far from clear that anyone will understand whatever nuance it is that we are trying to convey between the following two choices:

If decision leaves an opening for generation shifting

Consistent with the Supreme Court's decision, EPA intends to use the full scope of its existing authorities to protect public health and support the growing clean energy economy by significantly reducing the pollution that is driving climate change.

If the Court plainly blocks generation shifting

Consistent with the Supreme Court's decision, EPA intends to use the full scope of its existing authorities to protect public health and significantly reduce the pollution that is driving climate change, which is in alignment with the growing clean energy economy.

Other than changing the words (and leaving out "intends" in the second response, don't they just shift words around but say exactly the same thing? I think that #2 is somehow supposed to indicate that we understand that we can't use generation shifting?

Definitely not going to debate what were likely hotly debated words, just perplexed.

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**From:** Ashley, Jackie <Ashley.Jackie@epa.gov>  
**Sent:** Wednesday, June 29, 2022 4:24 PM  
**To:** Culligan, Kevin <Culligan.Kevin@epa.gov>  
**Cc:** Noonan, Jenny <Noonan.Jenny@epa.gov>  
**Subject:** Fwd: Press Response - SCOTUS - United States v. West Virginia

FYI

Begin forwarded message:

**From:** "Millett, John" <Millett.John@epa.gov>  
**Date:** June 29, 2022 at 9:35:27 AM EDT  
**To:** "Carroll, Timothy" <Carroll.Timothy@epa.gov>, "Hamilton, Lindsay" <Hamilton.Lindsay@epa.gov>, "Michalos, Maria" <Michalos.Maria@epa.gov>, "Conrad, Daniel" <conrad.daniel@epa.gov>  
**Cc:** "Prieto, Jeffrey" <Prieto.Jeffrey@epa.gov>, "Profeta, Timothy" <Profeta.Timothy@epa.gov>, "Ashley, Jackie" <Ashley.Jackie@epa.gov>, "Giles, Cynthia" <Giles.Cynthia@epa.gov>, "Bremer, Kristen" <Bremer.Kristen@epa.gov>  
**Subject:** RE: Press Response - SCOTUS - United States v. West Virginia

Thanks, Tim -- Looping Cynthia and OAQPS

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**From:** Carroll, Timothy <[Carroll.Timothy@epa.gov](mailto:Carroll.Timothy@epa.gov)>  
**Sent:** Wednesday, June 29, 2022 9:26 AM  
**To:** Hamilton, Lindsay <[Hamilton.Lindsay@epa.gov](mailto:Hamilton.Lindsay@epa.gov)>; Michalos, Maria <[Michalos.Maria@epa.gov](mailto:Michalos.Maria@epa.gov)>;  
Conrad, Daniel <[conrad.daniel@epa.gov](mailto:conrad.daniel@epa.gov)>; Millett, John <[Millett.John@epa.gov](mailto:Millett.John@epa.gov)>  
**Cc:** Prieto, Jeffrey <[Prieto.Jeffrey@epa.gov](mailto:Prieto.Jeffrey@epa.gov)>  
**Subject:** Press Response - SCOTUS - United States v. West Virginia

Hi all – re-upping a chain to review OPA statements in response to SCOTUS, if needed today. I am attaching the latest rollout plan I have, and know Maria and Lindsay are working with OGC on another option from the boss.

We'll use this chain for OGC and OAR approval before sharing materials with press. Thanks!

Tim Carroll (he/him)  
Office of Public Affairs  
Environmental Protection Agency  
[REDACTED] (mobile)  
Twitter: [@EPAPressOffice](https://twitter.com/EPAPressOffice)