



ADVOCACY GROUP
Regulatory and Housing Policy
Susan Asmus, SVP

February 3, 2006

Information Quality Guidelines Staff
Mail Code 2811R
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C., 20460

Re: Request for Correction of Information in EPA's "Storm Water Enforcement and Compliance: Construction" Presentation

Dear Sir or Madam:

On behalf of the National Association of Home Builders ("NAHB"), I hereby submit this Request for Correction of Information ("Request") pursuant to the Office of Management and Budget ("OMB") *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies* ("OMB Guidelines"),¹ and the U.S. Environmental Protection Agency ("EPA") *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency* ("EPA Guidelines").² As provided in the OMB and EPA Guidelines, NAHB respectfully requests that EPA correct certain information in the Agency's slide presentation, entitled *Storm Water Enforcement and Compliance: Construction* ("Storm Water Presentation"),³ where it falsely alleges as fact that a permit is required for a potential discharge of storm water from a construction site. This information is being disseminated to the public on the EPA's "Wet Weather Discharges Reference Materials" website, which was last updated June 16, 2005.⁴ The Storm Water Presentation is currently the first available link on EPA's Wet Weather Discharges Reference Materials website.

NAHB is a Washington, DC-based trade association representing more than 225,000 members involved in home building, remodeling, multi-family construction, property management, subcontracting, design, housing finance, building product manufacturing and other aspects of residential and light commercial construction. Known as "the voice of the housing industry," NAHB is affiliated with more than 800 state and local home builder associations around the country. NAHB's builder members will construct about 80 percent of the more than

¹ 67 Fed. Reg. 8542, 8460 (2002).

² 67 Fed. Reg. 63657 (2002).

³ <http://www.epa.gov/compliance/resources/publications/civil/programs/modelstormwaterpresentation-0605.pdf> slide 37. A copy of the Storm Water Presentation is attached hereto as Exhibit 1.

⁴ <http://www.epa.gov/compliance/resources/publications/civil/programs/wwrefmaterials.html>.

2 million new housing units projected for 2006, making housing one of the largest engines of economic growth in the country.

Summary of Request for Correction of Information

NAHB submits that EPA is disseminating incorrect and misleading information regarding the need for builders to obtain storm water permits under Section 402(p) of the Clean Water Act (“CWA”), 33 U.S.C. § 1342(p). As discussed further below, the Storm Water Presentation includes “information” disseminated by EPA on its website and through individual presentations to the regulated community (including NAHB members). Specifically, Slide 37 of the Presentation characterizes as a “fact” that builders must obtain storm water permits under Section 402(p) for “potential discharges” from their construction sites. This information is incorrect, misleading and fails to conform to the standards of quality, objectivity, utility, and integrity applicable to the dissemination of information by EPA as required by the Information Quality Act⁵ (“IQA”) and the OMB and EPA Guidelines implementing the IQA.⁶

As a result of the dissemination of Slide 37, erroneous information regarding the necessity to obtain a storm water permit for “potential discharges” of storm water has been and is being presented to NAHB’s members. The members have contacted and will contact NAHB staff for compliance advice as a result of the incorrect and misleading information in the Storm Water Presentation; will foreseeably rely on the Storm Water Presentation to obtain a CWA permit when they are not legally obliged to do so; and/or will invest further resources in ascertaining their actual obligations for CWA permit coverage under Section 402(p). In addition, NAHB’s mission in providing accurate and reliable compliance assistance to its members regarding their responsibilities to obtain CWA permits is affected because the Storm Water Presentation presents information that is directly contrary to the CWA as interpreted by the courts. As affected persons, NAHB and its members are entitled to seek correction of the information in the Storm Water Presentation through the procedures for administrative review authorized in the OMB Guidelines and prescribed in the EPA Guidelines. Correcting the erroneous information in the Storm Water Presentation, along with an acknowledgment by EPA that its previous dissemination was false and misleading, will benefit NAHB and its members by clarifying the circumstances under which builders are legally required to obtain CWA permits for construction activity. That clarity will enable builders and other members of public to know what the CWA demands of them so they may better conform to the law and plan their construction of housing with greater certainty.

We ask that EPA respond to this Request within 90 days, as EPA’s own Guidelines require.⁷

⁵ Public Law 106-554, § 1(a)(3) [Title V § 515], 114 Stat. 2763 (2000), *reprinted* at 44 U.S.C. § 3516, note (hereinafter “IQA, § 515”).

⁶ The IQA required the OMB to prepare guidelines implementing the IQA’s requirements, namely, to ensure and maximize the quality, objectivity, utility, and integrity of information disseminated by federal agencies. *Id.* at § 515(a). The OMB Guidelines require each federal agency to issue its own guidelines implementing the IQA and conforming to the OMB Guidelines. OMB Guidelines, § II.1, 67 Fed. Reg. at 8458.

⁷ EPA Guidelines, § 8.4, p. 31.

The Request for Correction is Authorized by Federal Guidelines

Under the IQA and the implementing guidelines, NAHB is authorized to seek correction of the statement in the Agency's Storm Water Presentation regarding the purported need for builders to obtain storm water permits for "potential discharges" of storm water. As discussed further below, this statement constitutes information that has been disseminated by EPA within the meaning of the IQA, and must be corrected through the administrative process established by the Agency pursuant to the IQA and the OMB Guidelines.⁸ Moreover, NAHB and its members have been and will be adversely affected by the dissemination of this information and therefore are entitled to seek correction of the information.

The statement in the Storm Water Presentation regarding the need for storm water permits certainly qualifies as "information." The EPA Guidelines define "information" as generally including any communication or representation of knowledge such as facts or data, in any medium or form.⁹ The Storm Water Presentation easily fits within this definition of "information." Indeed, as discussed below, the Storm Water Presentation itself sets forth as "fact" the statement that storm water permits are needed for potential discharges. Moreover, the EPA Guidelines state that "[i]nformation generally includes material that EPA disseminates from a website,"¹⁰ which would include the Storm Water Presentation.

Moreover, the statement at issue does not fit within the categories of items that are excluded from the EPA Guidelines' definition of "information." The EPA Guidelines state that an item is not considered information if it is an opinion—provided that EPA's presentation makes it clear that what is being offered is someone's opinion rather than fact or EPA's views.¹¹ However, no such qualification appears in the Presentation with respect to the potential discharge statement at issue. In addition, the EPA Guidelines claim an exemption from data quality requirements for "information of an ephemeral nature, such as press releases, fact sheets, press conferences, and similar communications"¹² The Storm Water Presentation is not "ephemeral" in nature as it remains posted and is thereby disseminated on EPA's Wet Weather Discharges Reference Materials website as part of a body of reference material made continuously available to the public and regulated community for purposes of assisting with compliance with federal storm water regulations. Information that has been offered to the public as a reference material for a period of at least six months can hardly be deemed ephemeral.

It is also clear that the statement at issue has been "disseminated" by the Agency. The OMB Guidelines define the term "dissemination" to mean "agency initiated or sponsored distribution of information to the public"¹³ Under the EPA Guidelines, EPA disseminates information if it "initiates or sponsors the distribution of information to the public."¹⁴ EPA initiates a distribution of information when it prepares the information and distributes it to support or represent EPA's viewpoint, or to formulate or support a regulation, guidance, or other

⁸ EPA Guidelines, § 8.1 *et seq.*

⁹ *Id.* at § 5.3, p. 15.

¹⁰ *Id.* at § 5.3, p. 15.

¹¹ *Id.* at § 5.4, p. 16.

¹² *Id.*

¹³ OMB Guidelines, § V.8, 67 Fed. Reg. at 8460.

¹⁴ EPA Guidelines, § 5.3, p. 15.

Agency decision or position.¹⁵ EPA itself prepared the Storm Water Presentation and initiated the distribution of that presentation on its Wet Weather Discharges Reference Materials website. Further, the Storm Water Presentation supports and represents EPA's viewpoint on storm water permitting obligations under the National Pollutant Discharge Elimination System ("NPDES") program.¹⁶ By appearing on EPA's Wet Weather Discharges Reference Materials website, the Storm Water Presentation was disseminated within the meaning of the OMB and EPA Guidelines because EPA initiated and sponsored the distribution of the Storm Water Presentation to the public.

Finally, NAHB is entitled to seek correction of the information in the Storm Water Presentation. The EPA Guidelines create administrative mechanisms pursuant to which "affected persons" may seek correction of information disseminated by the Agency.¹⁷ The erroneous information in the Storm Water Presentation adversely affects NAHB and its members because the information will foreseeably lead builders to obtain storm water permits (or coverage under a general permit) when they would not be legally obligated to do so, thereby costing builders time and money. Thus, NAHB and its members are adversely affected by EPA's misinformation in the Storm Water Presentation and would benefit by the correction of the erroneous information. As a result, NAHB is entitled to submit this Request for Correction of Information on behalf of its members.

Based on the foregoing, the Storm Water Presentation is information disseminated by EPA that is subject to the administrative appeal process available to affected persons in order to correct information that does not comply with the IQA, the OMB Guidelines, and the EPA Guidelines. As discussed more fully below, the information presented in the Storm Water Presentation is erroneous on a critical point: EPA incorrectly asserts that a permit is required if there is a "potential discharge" of storm water associated with construction activity.

The Storm Water Presentation Incorrectly States that a Permit is Required for a "Potential Discharge" of Storm Water

The Storm Water Presentation contains a critical statement that misrepresents the obligation of builders to obtain permits to control storm water run-off from construction sites. Under "Top 10 Myths: Storm Water Construction," Slide 37 states:

Myth # 2

- **Myth:** "I don't need a storm water permit because there won't be a discharge."
- **Fact:** You need a permit if there is a *potential discharge*.¹⁸

EPA's statement that a storm water permit is needed if there is a "potential discharge" is legally and factually incorrect and misleading to NAHB's members and the public. The statement is

¹⁵ *Id.*

¹⁶ See 40 C.F.R. §§ 122.21, 122.26 and 123.25.

¹⁷ EPA Guidelines, § 8.1, p. 30.

¹⁸ Storm Water Presentation at p. 37 (emphasis in original).

inconsistent with the plain language of the CWA and its implementing regulations. Section 402(p) of the Act specifies that a storm water permit is required “for discharges associated with industrial activity”¹⁹ The term “discharge” includes a “discharge of a pollutant, and a discharge of pollutants.”²⁰ The terms “discharge of a pollutant” and “discharge of pollutants” in turn mean “any addition of any pollutant to navigable waters from any point source”²¹ A “point source” is defined as “any discernable, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, [or] discrete fissure ... from which pollutants are or may be discharged”²² EPA’s regulations implementing the CWA likewise impose the duty to apply for an NPDES permit on any person who “discharges or proposes to discharge pollutants,” which the Agency’s regulations define as the addition of a pollutant or combination of pollutants to waters of the U.S. from a point source.²³ Thus, under the plain text of both the CWA and EPA regulations, the term “discharge of a pollutant” requires the *actual* “addition” of a pollutant, and the mere potential for a pollutant to be discharged at some point in time does *not* trigger a duty to apply for an NPDES permit.

This conclusion is confirmed by a recent decision of the U.S. Court of Appeals for the Second Circuit, which held that the “Clean Water Act gives the EPA jurisdiction to regulate and control only *actual* discharges—not potential discharges, and certainly not point sources themselves.”²⁴ The court in *Waterkeeper Alliance* confronted the issue of whether EPA could require operators of concentrated animal feeding operations (“CAFOs”) to either obtain an NPDES permit or affirmatively prove that they have no potential to discharge pollutants.²⁵ In holding that EPA’s regulatory jurisdiction extends only to the actual discharge of a pollutant and that any attempt by EPA to regulate point sources absent an actual discharge exceeds EPA’s statutory authority, the Second Circuit stated:

. . . unless there is a “discharge of any pollutant,” there is no violation of the Act, and point sources are, accordingly, neither statutorily obligated to comply with EPA regulations for point source discharges, nor are they statutorily obligated to seek or obtain an NPDES permit. Congress left little room for doubt about the meaning of the term “discharge of any pollutant.” The Act expressly defines the term to mean “(A) any addition of any pollutant to navigable waters from any point source, [or] (B) any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.” 33 U.S.C. § 1362(12). *Thus, in the absence of an actual addition of any pollutant to navigable waters from any point, there is no point source discharge, no statutory violation, no statutory obligation of point sources to comply with EPA regulations for point source discharges, and no statutory obligation of point sources to seek or obtain an NPDES permit in the first instance.*²⁶

¹⁹ 33 U.S.C. § 1342(p)(3)(A).

²⁰ *Id.* at § 1362(16).

²¹ *Id.* at § 1362(12).

²² *Id.* at § 1362(14).

²³ 40 C.F.R. §§ 122.2, 122.21(a).

²⁴ *Waterkeeper Alliance, Inc. v. EPA*, 399 F.3d 486, 505 (2nd Cir. 2005) (“*Waterkeeper Alliance*”) (emphasis in original) citing *Natural Resources Defense Council v. EPA*, 859 F.2d 156, 170 (D.C. Cir. 1988) (“*NRDC*”).

²⁵ *Waterkeeper Alliance*, 399 F.3d at 505.

²⁶ 399 F.3d at 504 (emphasis added).

EPA's position with respect to the need for storm water permits for construction activities, as disseminated in Slide 37, suffers from the same legal defect. Construction activities cannot be regulated unless they cause an actual discharge of pollutants from a point source.²⁷ While EPA may believe that builders should err on the side of obtaining storm water permits if there is any potential for a discharge of pollutants, that is a matter of EPA policy and not a CWA requirement. The Storm Water Presentation fails to distinguish between the legal requirement to obtain an NPDES permit for an actual discharge resulting from construction activities, and a prudential decision to obtain a storm water permit if there may be a "potential" to discharge. Thus, the statement in the Storm Water Presentation regarding the need for a storm water permit for potential discharges is false and misleading because authorization for *potential* storm water discharges from construction activities is not a legal obligation under the Clean Water Act.²⁸

EPA's Misleading Statement Fails to Satisfy OMB's Standard for Pre-dissemination Review and Information "Quality"

The inclusion of "Myth #2" and its erroneous statement in the Storm Water Presentation is contrary to the standards established by OMB and EPA concerning the quality of information disseminated by an agency. The OMB Guidelines require agencies to "take appropriate steps to incorporate information quality criteria into agency information dissemination practices."²⁹ "Quality" is defined as a term encompassing "utility," "objectivity," and "integrity."³⁰ The Storm Water Presentation, in particular "Myth #2," lacks both objectivity and utility and therefore violates the information quality standards adopted by OMB and EPA.

First, misleading builders with the incorrect statement that they need a storm water permit for a "potential discharge" violates OMB and EPA Guidelines concerning the "objectivity" Standard. In order to meet the standards for "objectivity," information that is being disseminated must be presented in "an accurate, clear, complete, and unbiased manner."³¹ "Objectivity" also requires information to be presented "within a proper context."³² In addition, information that is disseminated must, as a matter of substance, be accurate, reliable, and unbiased.³³

²⁷ EPA has recognized that there are some circumstances in which the potential for discharges of pollutants to waters of the U.S. as a result of construction activities is minimal. For example, EPA has stated that construction activities may achieve no actual discharge of storm water where the topography is such that there is no possibility that storm water could leave the site and where storm water is captured onsite and allowed to evaporate, soak into the ground, or is used for irrigation. See EPA's *NPDES General Permit for Storm Water Discharges from Construction Activities – Fact Sheet* at 4 (modified January 21, 2005) (hereinafter "*Fact Sheet*").

²⁸ EPA may not rely on the "may be discharged" language in the definition of "point source" to support a requirement that a storm water permit be obtained for a potential discharge of storm water. This approach was rejected by the court in *Waterkeeper Alliance*, where the court stated that there is no portion of the Clean Water Act that gives "operational effect" to the "may be discharged" language and held that "while point sources are statutorily defined to include potential dischargers, effluent limitations can, pursuant to 33 U.S.C. § 1311(e), be applied only to 'point sources of discharge of pollutants,' i.e., those point sources that are *actually* discharging." 399 F.3d at 505 (emphasis in original).

²⁹ OMB Guidelines, § II.1, 67 Fed. Reg. at 8458.

³⁰ *Id.* at § V.1, 67 Fed. Reg. at 8459.

³¹ *Id.*

³² *Id.*

³³ *Id.*

The statement in EPA's Storm Water Presentation regarding "Myth #2" fails to satisfy the OMB Guidelines' objectivity requirements in several respects. The information is not substantively objective because it is untrue, as demonstrated above. In addition, "Myth #2" lacks substantive objectivity because it displays a strong bias to the extent it conveys as "fact" a position that actually represents the Agency's view that all builders should obtain coverage under a storm water permit even where they may not be legally obligated to do so.

Similarly, the Storm Water Presentation lacks objectivity because "Myth #2" is not presented in an accurate, clear, complete and unbiased manner. As the Second Circuit held in *Waterkeeper Alliance*, it is simply *not* a fact that builders need a storm water permit if there is a potential discharge of storm water from a construction site, yet EPA presents this information literally labeled as "fact." This alone renders the information unobjective. Even if EPA were to disagree with the holding in *Waterkeeper Alliance* (and other holdings from the D.C. Circuit), "Myth #2" still lacks objectivity. The "Myth #2" slide contains no acknowledgment that *Waterkeeper Alliance* rejects EPA's position that CWA permit coverage is required for "potential" discharges of storm water. Thus, EPA's failure to inform the public that case law from the federal appellate courts directly contradicts the "fact" set forth in the Myth #2 slide violates the IQA's objectivity standard. Finally, if the statement in "Myth #2" is intended to convey EPA's position that builders should obtain coverage under a storm water permit as a good, preventive business measure if there is any potential for a discharge associated with construction activities (a reading that plain text of Slide 37 does not support), the statement would again lack objectivity because the information would not be presented in an accurate, clear, complete and unbiased manner. Thus, under any set of circumstances, "Myth #2" lacks objectivity and thus fails the information quality requirements adopted by OMB and EPA.

"Myth #2" also lacks utility. The term "utility" refers to the usefulness of the information to its intended users, including the public, and more important, requires an agency to consider the uses of information from the perspective of the public.³⁴ EPA's dissemination of Slide 37 solely reflects the agency's policy position concerning potential discharges, and fails to consider the usefulness of that information regarding legal obligations for permit coverage as required by the CWA. As a result, EPA's dissemination leads NAHB's members to believe that they must obtain CWA permits when in fact, they have no legal obligation to do so and impedes the function of NAHB staff in providing accurate and reliable compliance advice to its members. Information with such consequences could hardly be deemed to have utility for its intended users. Correction of the erroneous information in "Myth # 2" in the Storm Water Presentation would bring the necessary "utility" to the information, and allow builders to evaluate properly whether an actual discharge will occur in order to determine if they must obtain a storm water permit for their construction activities.

In addition, the OMB Guidelines require that information disseminated by federal agencies after October 1, 2002 must undergo internal, pre-dissemination quality review before presentation to the public.³⁵ Pre-dissemination review ensures that agencies treat information quality "as integral to every step of an agency's development of information"³⁶ There is no

³⁴ *Id.* at § V.2, 67 Fed. Reg. at 8459.

³⁵ OMB Guidelines, § III.2, 67 Fed. Reg. at 8459.

³⁶ *Id.*

indication that EPA subjected the Storm Water Presentation to a pre-dissemination review. If EPA had conducted the required pre-dissemination review, it would have been aware of the Second Circuit decision in *Waterkeeper Alliance*, which expressly rejected a reading of the CWA allowing EPA to regulate point sources absent any actual discharge. Such awareness would presumably have led the Agency to modify the Presentation in an appropriate manner.

Finally, through the dissemination of “Myth #2,” EPA has not served its mission to “enhance citizen understanding and involvement and provide[] people with tools to protect their families and their communities.”³⁷ The EPA Guidelines provide that the Agency has a responsibility to ensure that the public has an accurate understanding of “regulatory expectations” under the statutory program to protect the environment, and that “[i]nformation quality is a key component of every statute that governs our mission.”³⁸ EPA has misinformed the public insofar as Myth #2 creates “regulatory expectations,” beyond the scope of Congress’s intent, that landowners have a legal obligation to obtain CWA permits for “potential” discharges of storm water. Moreover, EPA has not informed the public of the economic impacts of its regulatory position. Requiring home builders and developers to obtain permits where they have no such obligation will result in added delays and expenses. Increased costs associated with obtaining unnecessary permits will drive-up the price of housing, have a negative impact on the wallet of the ultimate consumer, and obstruct NAHB’s mission in providing affordable housing to our Nation’s citizens.

Corrective Action is Justified by the False and Misleading Nature of the Information

The Storm Water Presentation disseminates false and misleading information to the public. As a result, the Storm Water Presentation, specifically “Myth #2,” fails to comply with EPA’s own IQA-based guidelines, which set forth the manner in which EPA ensures and maximizes the quality of disseminated information.³⁹ Moreover, EPA’s dissemination of information in the Storm Water Presentation is contrary to the basic standards of quality for the dissemination of information by federal agencies as set forth in the OMB Guidelines.

Where, as here, an agency disseminates information that does not comply with the applicable guidelines, affected persons may seek and obtain timely correction of the information.⁴⁰ Clearly NAHB’s members and staff are being misinformed by the information in the Storm Water Presentation because it represents EPA’s biased policy and not a factual statement or settled legal requirement under the Clean Water Act or EPA’s implementing regulations. Accordingly, NAHB is entitled to seek immediate correction of this erroneous and misleading information.

³⁷ EPA Guidelines, § 2.1, p. 2.

³⁸ *Id.*

³⁹ EPA Guidelines, § 6.1, p. 19.

⁴⁰ *Id.* at § 8.2, p. 30.

NAHB's Request for Correction

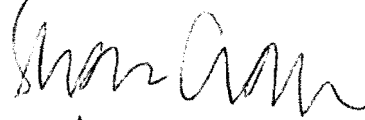
NAHB respectfully requests that EPA take the following corrective actions:

- “Myth #2” in the Storm Water Presentation, as it presently exists, must be removed from EPA’s website.
- EPA must bring “Myth #2” in the Storm Water Presentation in line with the OMB Guidelines standard for “objectivity,” *i.e.*, that the information be accurate, clear, complete, and unbiased. Therefore, EPA must issue a correct statement on the subject of Slide 37 and potential discharges, to wit: No permit is necessary for a potential discharge, and no one can be cited for failure to have a permit unless there is an actual discharge.
- EPA must post an acknowledgement and correction of the error in Slide 37, either in a revised Storm Water Presentation or on the Wet Weather Discharges Reference Materials website in place of the presentation itself. If EPA prefers to continue the dissemination of the Storm Water Presentation, it must contain an acknowledgement that refers to the removal of “Myth #2” and briefly discusses the reason for its removal and that includes a complete correction.
- EPA must issue an acknowledgement and correction by mail or e-mail to all persons who attended seminars, workshops, or other public presentations where the Storm Water Presentation was given. In particular, insofar as EPA, including any of its Regional Offices, has given the presentation directly to any NAHB local chapters, NAHB requests that EPA notify all such members to whom the Storm Water Presentation has been given, disclose the error, and provide an accurate replacement statement.
- EPA must refrain from making any further dissemination of information that the CWA requires an NPDES permit for “potential” discharges, and take steps to ensure that all future disseminations are free from bias, factually accurate, and not misleading in presentation.
- EPA must perform a full review of other storm water construction guidance to determine the existence of similar false and misleading statements regarding permit obligations for a “potential discharge,” that do not satisfy the standard of quality found in the IQA and the OMB Guidelines.⁴¹ Should similarly erroneous information be discovered, NAHB requests that EPA remove or revise such information accordingly, consistent with Section 6 of the EPA Guidelines.

⁴¹ See, e.g., *Does Your Construction Site Need a Stormwater Permit? A Construction Site Operator's Guide to EPA's Stormwater Permit Program*, available at www.epa.gov/NPDES/pubs/sw_cgp_brochure.pdf; *Fact Sheet* at 4.

We believe that these corrections will benefit NAHB, its members, and the public in general. NAHB looks forward to discussions with EPA regarding the corrective action requested herein. If you have any questions or would like to discuss this Request, please contact me at (202) 266-8538, or Duane Desiderio, Staff Vice President for Legal Affairs, at (202) 266-8146.

Sincerely,



Susan Asmus

Attachments

cc: Benjamin Gumbles, Esq. EPA Assistant Administrator, Office of Water
Ann Klee, Esq., EPA General Counsel
Granta Nakayama, Esq., EPA Assistant Administrator, Office of Enforcement and
Compliance Assurance
Thomas Jackson, Baker Botts LLP