

**DECLARATION OF DANIEL COOGAN**

I, Daniel Coogan, declare and state as follows:

1. I am the Deputy Assistant Administrator for Infrastructure and Extramural Resources in the Office of Mission Support, for the United States Environmental Protection Agency ("EPA") located at 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460. I have been in my current position since December 2023, and I have been at the agency since November 2004. I make the following factual statements based on my personal knowledge and belief. If called as a witness, I could and would competently testify thereto.

2. During the transition between the last Presidential Administration and the current Administration, EPA has limited activity on grant awards and actions so career staff can brief the new Administration on the on-going grants and programs and help the new Administration understand how the program aligns with their priorities including ensuring the safeguard of Agency funds.

3. As part of this effort, and distinct from any Executive Orders or OMB memorandums, EPA leadership conducted an individualized, grant-by-grant review to determine which grants should continue, which should be modified, and which should be terminated based on alignment with Administration priorities or the purposes for which the Federal award was made. EPA began this process for the Administration in January 2025.

4. The review process resulted in EPA continuing all Infrastructure Investments and Jobs Act ("IIJA") grants, which include 2,004 active grants totaling \$27.5 billion. Many Inflation Reduction Act ("IRA") grants remain active following review, including 979 active grants totaling \$39.5 billion.

5. The above review process occurred prior to the issuance of the preliminary injunction on April 15, with decisions to terminate tranches of IRA grants made on the following dates: February 13, March 3, March 10, and April 14.

1 EPA is in the process of sending out the formal termination/cancellation notices to  
2 all of the impacted grantees. EPA has already sent out formal notices to  
3 approximately 377 grantees. For the remaining approximately 404 grantees, EPA  
4 plans to issue notices within the next two weeks.

5 6. EPA has only paused access to funding in Automatic Standard  
6 Application for Payments (“ASAP”) for recipients of the following IRA grant  
7 programs which are slated to be terminated as mentioned above: Environmental  
8 Justice Collaborative Problem-Solving Cooperative Agreement Program; Surveys,  
9 Studies, Investigations, Training and Special Purpose Activities Relating to  
10 Environmental Justice; Environmental Justice Government-to-Government  
11 (EJG2G) Program; Environmental Justice Small Grant Program; Financial  
12 Assistance For Community Support Activities To Address Environmental Justice  
13 Issues; Environmental Justice Thriving Communities Grantmaking Program (EJ  
14 TCGM); Environmental and Climate Justice Block Grant Program; and Reducing  
15 Embodied Greenhouse Gas Emissions for Construction Materials and Products.

16 7. EPA understands the Court’s Order to require that all funds  
17 appropriated under the IRA or IJA be unfrozen unless there is a pre-existing  
18 determination (from before entry of the preliminary injunction) to pause that funding  
19 on an individualized basis for some other, independent reason (i.e., apart from the  
20 fact that it was appropriated under the IRA or IJA). The above still-paused, soon-  
21 to-be-terminated IRA grants meet those criteria. Accordingly, EPA believes that  
22 continued pauses of those grants complies with the Court’s Order. EPA is not  
23 “freezing, halting, or pausing on a non-individualized basis the processing and  
24 payment of funding that (1) was appropriated under the Inflation Reduction Act or  
25 the Infrastructure Investment and Jobs Act and (2) has already been awarded.”  
26 *Woonasquatucket River Watershed Council v. United States Dep’t of Agric.*, No.

1 1:25-cv-00097-MSM-PAS, 2025 U.S. Dist. LEXIS 71378 (D.R.I. Apr. 15, 2025)  
2 (order granting preliminary injunction).

3 8. Despite the current pause on these grants, EPA will still reimburse all  
4 costs incurred prior to the grant formally being terminated, once recipients submit  
5 final invoices as part of the grant close-out process as detailed in the grant  
6 termination letter and at 2 CFR § 200.334.

7 9. Restoring access to the paused grants would expose EPA and taxpayers  
8 to tremendous risk as recipients would have the ability to draw-down large portions  
9 of grant funding in ASAP, and could believe that they have an incentive to make  
10 such draws if they believed the pause on the suspension was temporary. Recouping  
11 these funds upon termination of the grants would be difficult.

12 I declare under penalty of perjury that the foregoing is true and correct.  
13

14 DANIEL  
15 COOGAN

Digitally signed by  
DANIEL COOGAN  
Date: 2025.04.23  
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16 Daniel Coogan  
17 Deputy Assistant Administrator for  
18 Infrastructure and Extramural  
19 Resources  
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