



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

June 29, 2021¹

OFFICE OF MISSION SUPPORT

The Honorable Henry J. Kerner
Special Counsel
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 300
Washington, D.C. 20036

Re: OSC File Nos. DI-18-3786, DI-18-3820, DI-18-4713, DI-18-4968

Dear Mr. Kerner,

Please accept this letter and the enclosed attachments as the U.S. Environmental Protection Agency's (EPA's) response to your office's May 5, 2021, email communication, which requested that the EPA provide a Supplemental Report to its February 26, 2020, response regarding the above-referenced matters. In your office's May 5, 2021, email communication, you identified the additional requests by topic and allegation. I have quoted each of your requests and provided EPA's responses below.

1. *"Former Administrator Pruitt's travel: EPA's response to OSC states that OIG investigated Mr. Pruitt's travel and produced a May 16, 2019 report titled "Actions Needed to Strengthen Controls Over the EPA Administrator's and Associated Staffs Travel" (Report No. 19-P-0155). At the time of EPA's response to OSC, EPA had not accepted or implemented a number of OIG's 14 recommendations (9 out of 14, according to OIG's SAR to Congress, were "unresolved"); however, as of June 2020, according to OIG, only 4 recommendations (nos. 1, 2, 12, and 14) are "unresolved."*
 - *We request that EPA's supplemental report reflect this update – i.e., that 10 of 14 OIG recommendations have now been resolved – and identify the status of the remaining 4 "unresolved" recommendations and any ongoing discussions with OIG."*

EPA Response: Please see Attachment 1, "Corrective Action Plan for Office of Inspector General Report No. 19-P-0155, 'Actions Needed to Strengthen Controls over the EPA Administrator's and Associated Staff's Travel'" (March 30, 2020) and Attachment 2, "Office of the Chief Financial Officer's Corrective Action Plans for Office of Inspector General Report No. 19-P-0155, 'Actions Needed to Strengthen Controls over the EPA Administrator's and Associated Staff's Travel'" (June 29, 2020). As reflected in these two attachments, the EPA OIG concluded that EPA's corrective actions have resolved all of the OIG's Recommendations related to the May 16, 2019, report except for Recommendations 1, 2, 7, 9, 12, and 14. Thus, there are currently six unresolved OIG recommendations, not four.

¹ This response replicates the EPA's supplemental response that was submitted to the Office of Special Counsel on May 26, 2021 with a different signatory.

With regard to the “unresolved” recommendations, in January 2021, the Office of the Chief Financial Officer contacted the OIG in an effort to reach resolution. Efforts to identify a resolution regarding Recommendation Nos. 1, 2, 12 and 14 are ongoing. For the two unresolved recommendations that have been assigned to the Office of the Administrator (Recommendation Nos. 7 and 9), the Agency has reached a tentative verbal agreement with the OIG and is pursuing efforts to obtain formal agreement on these recommendations.

2. “*Mr. Pruitt’s Security (2017 Italy Trip)*: EPA’s response to OSC states that OIG referred this matter to an “outside [presumably criminal] law enforcement agency” but does not indicate whether EPA or another entity conducted a civil investigation into the alleged \$30,000 in wasted funds during that trip.
 - *Please specify which “outside law enforcement agency” you referred this to, and also please specify whether EPA or another entity conducted any civil investigation into alleged waste by Mr. Pruitt and staff during his 2017 trip to Italy.”*

EPA Response: The “outside law enforcement agency” referenced in EPA’s February 26, 2020, response was the Federal Bureau of Investigation. There was no further civil investigation regarding former Administrator Pruitt’s 2017 trip to Italy.

3. “*Mr. Pruitt’s Security (Security Booth)*: EPA reported to OSC that GAO found in an Oct. 16, 2018 report titled “U.S. Environmental Protection Agency-Installation of Soundproof Privacy Booth” that EPA had violated the Antideficiency Act and that EPA, though it disagreed with this conclusion, made its required report to Congress. (Note that EPA did not attach the report itself to its response to OSC; rather, it attached correspondence outlining its disagreements with GAO’s findings. OSC located the report.)
 - *Please confirm whether EPA took, or plans to take, any additional actions based on GAO’s findings.”*

EPA Response: EPA is coordinating with OMB on reporting an Antideficiency Act violation related to the installation of the soundproof privacy booth.

4. “*Mr. Pruitt’s Security (Security Sweep of Office)*: EPA reported to OSC that PIQA was initially investigating whether the security sweep of Mr. Pruitt’s office was a waste of funds or evidenced other wrongdoing, but PIQA stopped because OIG began investigating.
 - *Did PIQA ever make any findings on this issue? If so, please provide the findings and any related report.”*

EPA Response: PIQA did not make any findings on this issue.

5. “*Mr. Pruitt’s Staff Salaries*: EPA reported to OSC that OIG’s August 21, 2019 report found no wrongdoing when EPA classified certain positions and raised certain employee salaries under the Safe Water Drinking Act, but that EPA did ‘re-lower’ the salaries of two employees in response to the OIG audit.

- *Please provide the names of the two employees whose salaries EPA reduced “back to their original salaries” in response to OIG’s audit. (Note that OSC will redact these names, along with any other PII, from your response before posting it to our public file.)”*

EPA Response: The names of the two employees whose salaries were reduced were [REDACTED] and [REDACTED]. These names are being provided with the understanding that the OSC will redact these names before posting its report to the public file.

6. *“Mr. Pruitt’s Lights and Sirens in Non-Emergencies: EPA reported to OSC that PIQA investigated and substantiated allegations that the PSD had violated policy and protocol by using emergency lights and sirens in non-emergency situations when transporting Mr. Pruitt. EPA further explained that no corrective action was taken because the policies themselves were sufficient and because “the employee in question retired.”*
 - *Who is the employee that EPA is referencing? (Note that OSC will redact this name, along with any other PII, from your response before posting it to our public file.)*
 - *OSC also requests a copy of the PIQA report, in unredacted form. (Note, if OSC determines that this document should become a part of OSC’s public file in this case, which we do not anticipate at this time, OSC will notify EPA and work with the agency to obtain an appropriately redacted version for publication.)”*

EPA Response: The employee that EPA was referencing was [REDACTED] Former PSD SAC. This name is being provided with the understanding that the OSC will redact the name before posting its report to the public file. A copy of the unredacted PIQA report is attached, please see Attachment 3, “PIQA Case Summary Report, 1100-18-008-CI” (June 8, 2018). This unredacted report is being provided with the understanding that if the OSC seeks to make it a part of its public file, OSC will notify EPA and work to obtain an appropriately redacted version for publication.

7. *“OIG Performing Programmatic Functions: EPA’s response to OSC states the CIGIE declined to investigate these allegations. The attachments that EPA produced to OSC, however, contain additional relevant information that EPA does not reference in its response letter to OSC. Specifically, those attachments reference a “pending engagement” by GAO, which apparently was complete by the time EPA reported to OSC and resulted in an Oct. 30, 2019 GAO report titled “EPA: Recent Policy Could Improve Working Relations between EPA’s Office of Inspector General and Office of Homeland Security.” This GAO report makes clear that EPA issued a new order in May 2019 to help clarify OIG’s and EPA OHS’s respective roles. OSC believes this GAO report is responsive and relevant to the allegations OSC referred, and that the EPA order represents potential corrective action by EPA toward remedying future similar issues.*
 - *OSC requests a copy of EPA’s May 2019 “order,” as referenced in GAO’s October 30, 2019 report.*
 - *OSC also requests that EPA incorporate reference to this GAO report and EPA order in its supplemental response to OSC or, alternately, incorporate an explanation as to why EPA declines to do so.”*

EPA Response: Please see Attachment 4, “Approval of Order 3230 Regarding Homeland Security Policies and Procedures” (May 31, 2019). Order 3230 clarifies that EPA’s Office of Homeland Security (OHS) has programmatic responsibility for activities in the intelligence area, and the EPA OIG has oversight responsibility for those activities.

8. “*EPA Relying on OIG’s Threat Memo to Increase the PSD:* OIG produced a report on Sept. 4, 2018 titled “EPA Asserts Statutory Law Enforcement Authority to Protect its Administrator but Lacks Procedures to Assess Threats...” (Report No. 18-P-0239) that directly addresses this allegation, but EPA does not include the report or its findings in its response to OSC. Further, at the time of EPA’s response, a number of OIG’s report recommendations were “unresolved” (8 of 12, according to OIG’s 2019 SAR) but – according to a recent update from OIG – all of these report recommendations have now been resolved by EPA.

- *OSC requests that EPA’s supplemental report to OSC include reference to this report and an update as to whether all recommendations have been resolved or, alternately, an explanation as to why EPA does not consider the report responsive to OSC’s allegations.”*

EPA Response: Please see Attachment 5, “EPA Asserts Statutory Law Enforcement Authority to Protect Its Administrator but Lacks Procedures to Assess Threats and Identify the Proper Level of Protection, Report No. 18-P-0239” (September 4, 2018). The OIG report made twelve (12) recommendations to the Agency based on the findings of this report. All of the report recommendations have been resolved by the Agency (please see Attachments 6-12, EPA Responses to Report and IG Comments on EPA Response from August 29, 2019-November 19, 2020).

Thank you again for bringing these important matters to our attention. The remedial measures undertaken by the Agency in response to the investigations described in our prior response evidence the EPA’s strong commitment to ensuring that it has strong policies and procedures in place concerning the matters described above. If you have any further questions, please do not hesitate to contact me.

Sincerely,

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Donna Vizian
Acting Assistant Administrator
Office of Mission Support
U.S. Environmental Protection Agency