



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 16 2020

OFFICE OF
INSPECTOR GENERAL

The Honorable Carolyn Maloney
Acting Chair
Committee on Oversight and Reform
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Jim Jordan
Ranking Member
Committee on Oversight and Reform
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Eddie Bernice Johnson
Chair
Committee on Science, Space and Technology
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Frank Lucas
Ranking Member
Committee on Science, Space and Technology
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Frank Pallone
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Greg Walden
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

The Honorable John Barrasso
Chairman
Committee on Environment & Public Works
U.S. Senate
Washington, D.C. 20510

The Honorable Tom Carper
Ranking Member
Committee on Environment & Public Works
U.S. Senate
Washington, D.C. 20510

The Honorable Ron Johnson
Chairman
Committee on Homeland Security and
Government Affairs
U.S. Senate
Washington, D.C. 20510

The Honorable Gary C. Peters
Ranking Member
Committee on Homeland Security and
Government Affairs
U.S. Senate
Washington, D.C. 20510

Dear Chairs and Ranking Members:

As you know, on November 5, 2019, Andrew R. Wheeler, Administrator of the U.S. Environmental Protection Agency (EPA), forwarded you the "Seven-Day Letter," which I sent to the Administrator on October 29, 2019. The Seven-Day Letter was necessitated by the Inspector General (IG) Act of 1978, as amended, which requires an IG to report to the head of the agency "whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of such [agency]." 5 U.S.C. App. 3, § 5(d).

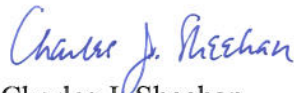
The particularly serious or flagrant problem about which I reported concerned two refusals by the EPA Chief of Staff (COS)—one during an investigation and another during an audit—to fully cooperate and provide information to the EPA’s Office of Inspector General (OIG). I write now to provide you with information about how the two refusals prompting the Seven-Day Letter were resolved.

As to the investigation, following the Seven-Day Letter, the COS reengaged with the OIG about sitting for an OIG interview, but he initially insisted on a number of conditions before he would agree to the interview. Two of those conditions were unacceptable to the OIG: that agency counsel be present during the interview and that advance notice be given of specific questions/topics to be covered. After nearly 1 month of discussion between me and the COS regarding these two conditions, the COS agreed to be interviewed without having agency counsel present and without being told the specific questions/topics in advance.¹ The interview was conducted on December 18, 2019. We have no need for an additional interview and now consider the COS’s cooperation with regard to the investigation to be complete—although far from fulfilling the IG Act’s requirement of “timely” cooperation. 5 U.S.C. App. 3, § 6 (a)(1)(A).

As to the audit, the COS ultimately did not answer the auditors’ question as to who provided him with a copy of the embargoed testimony. Accordingly, our final audit [report](#),² which the OIG publicly issued on December 10, 2019, only addresses one of the two stated objectives.

If you have any questions about this or any other matter, please contact Jeffrey Lagda, Acting Deputy Assistant Inspector General for Congressional and Public Affairs, at (202) 566-2584.

Sincerely,



Charles J. Sheehan
Acting Inspector General

¹ The OIG was able to accommodate some of the COS’s requests, such as providing him with the names of the OIG agents who would be attending the interview, since the requests were not inconsistent with OIG practice and did not undermine our independence. Similarly, although the OIG would not provide the COS with the specific questions/topics in advance of the interview, the COS was aware of the general nature of the matter we were investigating and about which he would be questioned, which was also appropriate and consistent with OIG practice.

² EPA OIG, *Despite Requirements of Inspector General Act, Chief of Staff Refuses to Provide Agency Information for OIG Evaluation; EPA Whistleblower Training Does Not Address Interference with or Intimidation of Congressional Witnesses*, Report No. 20-E-0053, December 10, 2019. <https://www.epa.gov/office-inspector-general/report-despite-requirements-inspector-general-act-chief-staff-refuses>