To: Levine, Carolyn[Levine.Carolyn@epa.gov]
Cc: Dickerson, Tom[Dickerson.Tom@epa.gov]
From: Vance, Sarah (OGRR)
Sent: Fri 12/18/2015 7:46:51 PM
Subject: RE: EPA response to Letter from the House Committee on Oversight and Government Reform

Received. Thank you.

From: Levine, Carolyn [mailto:Levine.Carolyn@epa.gov]
Sent: Monday, November 30, 2015 5:37 PM
To: Vance, Sarah (OGRR); Arthur, Art
Cc: Dickerson, Tom
Subject: EPA response to Letter from the House Committee on Oversight and Government Reform

Hi Sarah and Art,

Attached is EPA's response to Chairman Chaffetz and Chairman DeSantis to their October 27 letter. Please let me know if you have any questions.

Thanks,

Carolyn

Carolyn Levine

Office of Congressional and Intergovernmental Relations

U.S. EPA

(202) 564-1859

levine.carolyn@epa.gov

From: Dickerson, Tom
Sent: Tuesday, November 24, 2015 1:36 PM
To: Vance, Sarah (OGRR) <Sarah.Vance@mail.house.gov>
Cc: Levine, Carolyn <Levine.Carolyn@epa.gov>
Subject: RE: Letter from the House Committee on Oversight and Government Reform

Hi Sarah,

As of now it looks like we should be able to get you a response by the end of the week or early next week.

Hope you have a great holiday.

Tom Dickerson

Office of Congressional Relations

U.S. Environmental Protection Agency

(202) 564-3638

From: Vance, Sarah (OGRR) [mailto:Sarah.Vance@mail.house.gov]
Sent: Tuesday, November 24, 2015 12:29 PM
To: Dickerson, Tom <Dickerson.Tom@epa.gov>
Cc: Arthur, Art <Art.Arthur@mail.house.gov>
Subject: RE: Letter from the House Committee on Oversight and Government Reform

Good afternoon – please provide a status of a response when you can. Thank you.

From: Rush, Laura
Sent: Tuesday, October 27, 2015 4:58 PM

To: 'Dickerson.Tom@epa.gov'
Cc: Dockham, Andrew; Arthur, Art; Vance, Sarah (OGRR); Rush, Laura
Subject: Letter from the House Committee on Oversight and Government Reform

Attached please find a letter to Administrator McCarthy from the U.S. House of Representatives Committee on Oversight and Government Reform. The original will be dropped in the mail. Please note that the letter requests a response by Monday, November 9, 2015.

Please acknowledge receipt of this message and attachment.

Thank you,

Laura Rush

Laura L. Rush

Chief Clerk

Committee on Oversight and Government Reform

2157 Rayburn HOB, Washington, D.C. 20515

202-593-9663

To: Vance, Sarah (OGRR)[Sarah.Vance@mail.house.gov]; 'Art.Arthur@mail.house.gov'[Art.Arthur@mail.house.gov]
Cc: Dickerson, Tom[Dickerson.Tom@epa.gov]
From: Levine, Carolyn
Sent: Mon 11/30/2015 10:37:06 PM
Subject: EPA response to Letter from the House Committee on Oversight and Government Reform
DeSantis-AL-16-000-1137-EPA RESPONSE.pdf
Chaffetz-AL-16-000-1137-EPA RESPONSE.pdf

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Carolyn

Carolyn Levine

Office of Congressional and Intergovernmental Relations

U.S. EPA

(202) 564-1859

levine.carolyn@epa.gov

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Laura L. Rush

Chief Clerk

Committee on Oversight and Government Reform

2157 Rayburn HOB, Washington, D.C. 20515

202-593-9663

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

NOV 30 2015

ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT AND
COMPLIANCE ASSURANCE

The Honorable Ron DeSantis
Chairman
Subcommittee on National Security
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your October 27, 2015, letter regarding the U.S. Environmental Protection Agency's National Criminal Enforcement Response Team (NCERT). We appreciate the opportunity to provide clarity regarding NCERT, as well as to correct the record on the recent report from "Open the Books," which erroneously asserts that the EPA has spent "millions of dollars" outfitting criminal investigators with such equipment as "300MM guns," "unmanned aircraft," "radar equipment," and "amphibious assault ships."

As stated in the EPA's response to the Congressional Research Service (CRS) in November 2014, the agency does not have any tactical team of agents which possesses or would utilize any of the equipment noted in your letter. Additionally, the agents within the Office of Enforcement and Compliance Assurance do not use any other weapons typically associated with law enforcement special weapons and tactics (SWAT) teams. The "Open the Books" assertions that military-grade weapons are part of the EPA's law enforcement equipment are completely erroneous.

Like all law enforcement officers, criminal investigators in EPA's Office of Enforcement and Compliance Assurance (which includes the Office of Criminal Enforcement, Forensics and Training and its Criminal Investigation Division (CID)) are equipped with sidearms (a 9mm Glock handgun) and protective ballistic vests. In certain circumstances, these agents may be temporarily issued a shotgun to undertake a specific law enforcement activity, such as serving a high-risk search warrant. EPA law enforcement agents do not carry, or otherwise use, any other firearms while on duty/conducting investigations.

NCERT is comprised of approximately 25 federal agents within CID who receive specialized training in collecting evidence of potential pollution crimes. These agents often work in hazardous environments where specialized protective gear is required, along with specific entry, exit and decontamination procedures. NCERT members do not use any firearms other than those issued to CID agents as noted above.

As part of their duties, NCERT members perform specialized evidence collection duties as needed. The agents are typically deployed in groups comprised of several agents that provide specialized evidence

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recovery at sites which may pose risks to other EPA agents or other federal, state or local law enforcement partners. Requests to deploy NCERT members most frequently arise during planning for the execution of search warrants, though other investigative activity involving sampling (such as a consent search or sampling on public lands) may give rise to a decision to employ NCERT members. Only once was there a full NCERT team deployment, and that was in support of the EPA's response to Hurricane Katrina in 2005.

There is no specific budget or resource allocation for NCERT. The team is comprised of agents who are otherwise performing normal investigative duties, such as conducting interviews, reviewing documentary evidence, working with prosecutors on developing investigations, etc.

Regarding the 2012 interview with Mr. Larry Keller, EPA CID agents have had no contact with Mr. Keller. EPA's Office of Inspector General, which investigates potential threats to Agency personnel, may be able to address your questions on that subject.

Regarding the 2013 investigation in Chicken, Alaska, investigative work was conducted by several EPA agents, including three NCERT members, who were working in conjunction with other federal and state officers from an environmental crimes task force. The investigation was initiated after reports from other federal and state agencies that placer miners on the Fortymile River, which Congress designated as a "Wild and Scenic River", were repeatedly discharging illegal pollutants from facilities they had described to civil regulators as "zero discharge" operations. Task force members conducted a field investigation over several days, interviewing miners and collecting samples for laboratory analysis. There were no search warrants executed, nor any arrests.

After some media reports erroneously reported the task force activity as a "raid" and included unrelated photos of para-military "SWAT" teams which were not connected to the federal and Alaska state law enforcement officers who actually conducted the Fortymile River investigation, Alaska Governor Sean Parnell appointed a Special Counsel to look into the matter. The Special Counsel conducted interviews, reviewed documents, and examined contemporaneous audio recordings of the investigators' interviews with miners, which had been made by the state law enforcement member of the task force. The resulting 65-page report thoroughly debunked the sensational internet accounts of SWAT tactics and "intimidation":

> "We found that task force members acted appropriately while conducting the Criminal Compliance Investigation. . . . It does not appear from listening to these recordings that task force members engaged in any overbearing or improper investigation tactics. . . . [T]he conversations that ensued [between investigators and miners] seemed cordial and informative. . . . We found no evidence that any federal or state agency failed to follow regulations, policy, or practice in developing and implementing the Criminal Compliance Investigation."

NCERT provides the EPA the ability to effectively and safely conduct environmental criminal investigations in potentially contaminated areas – an essential part of the agency's work to protect human health and the environment. In addition, NCERT is also equipped to provide assistance to the EPA's emergency response program during environmental emergencies such as natural or man-made disasters.

Again, thank you for your letter. As requested, my staff is available to meet with Committee staff to discuss the criminal enforcement program, and to answer any additional questions. If you have further

questions, please contact me, or your staff may contact Carolyn Levine, in EPA's Office of Congressional Affairs at (202) 564-1859 or levine.carolyn@epa.gov.

Sincerely,

Cynthia Giles

To: Dickerson, Tom[Dickerson.Tom@epa.gov]
Cc: Vance, Sarah (OGRR)[Sarah.Vance@mail.house.gov]
From: Ehredt, David
Sent: Tue 11/24/2015 6:48:44 PM
Subject: FW: Letter from the House Committee on Oversight and Government Reform
2015-10-27 JC DeSantis to McCarthy-EPA re law enforcement responsibilities due 11-4.pdf

Good afternoon Mr. Dickerson,

I'm writing to follow up on a letter from Chairmen Chaffetz and DeSantis (attached). Can you call me or send a good number to reach you?

Thanks,

Dave

Dave Ehredt

Defense Fellow

Committee on Oversight and Government Reform

U.S. House of Representatives

2157 Rayburn House Office Building

Washington, D.C. 20515

Office: 202-593-4558

From: Arthur, Art
Sent: Tuesday, November 24, 2015 12:25 PM
To: Ehredt, David
Subject: FW: Letter from the House Committee on Oversight and Government Reform

FYI:

From: Vance, Sarah (OGRR)
Sent: Tuesday, November 24, 2015 12:23 PM
To: Arthur, Art
Subject: FW: Letter from the House Committee on Oversight and Government Reform

See attached. No response as of yet. Let me know if you want me to follow-up with them.

From: Rush, Laura
Sent: Tuesday, October 27, 2015 4:58 PM
To: 'Dickerson.Tom@epa.gov'
Cc: Dockham, Andrew; Arthur, Art; Vance, Sarah (OGRR); Rush, Laura
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Thank you,

Laura Rush

Laura L. Rush

Chief Clerk

Committee on Oversight and Government Reform

2157 Rayburn HOB, Washington, D.C. 20515

202-593-9663

JASON CHAFFETZ, UTAH
CHAIRMAN

ONE HUNDRED FOURTEENTH CONGRESS

ELIJAH E. CUMMINGS, MARYLAND
RANKING MINORITY MEMBER

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143
MAJORITY (202) 225–5074
MINORITY (202) 225–5051
http://oversight.house.gov

October 27, 2015

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Ms. McCarthy:

In recent years, multiple reports have emerged of law enforcement teams at agencies with marginal law enforcement responsibilities using tactical equipment to conduct raids.[1] The Environmental Protection Agency (EPA) appears to be at the forefront of this trend. The non-profit government transparency organization, Open the Books, released a report last month stating the EPA has spent millions of dollars since 2006 to outfit 200 special agents with "guns over 300MM," "body armor," "camouflage and other deceptive equipment," "unmanned aircraft," "radar equipment," "night-vision equipment," and "amphibious assault ships."[2]

In 2014, the Congressional Research Service sent an inquiry to the EPA, along with 70 other federal agencies, asking the following question:

> Does your agency have any designated tactical teams? Members of these teams are recruited, selected, trained, equipped and assigned to resolve critical incidents involving a threat to public safety which would otherwise exceed the capabilities of traditional law enforcement, first responders, and/or investigative units. . . . These teams can be comprised of officers or agents who participate on the team on a part-time basis.[3]

In response, the EPA stated: "No. EPA does not have a team that meets this definition."[4] EPA's website, however, does state that the EPA's "Office of Criminal Enforcement, Forensics, and Training" has a "National Criminal Enforcement Response Team (NCERT)," which "supports environmental crime investigations involving chemical, biological, or radiological releases to the environment."[5]

---

[1] *See, e.g.*, John Fund, *Military-style units from government agencies are wreaking havoc on non-violent citizens*, NATIONAL REVIEW, Apr. 18, 2014. Accessed at: http://www.nationalreview.com/article/376053/united-states-swat-john-fund
[2] Open The Books Oversight Report, "U.S. Environmental Protection Agency, Fiscal Years 2000-2014: Overview Study," Sep. 2015, p. 13. Accessed at: https://www.openthebooks.com/assets/1/7/Open_The_Books_Oversight_Report_-_Environmental_Protection_Agency_FINAL.pdf.
[3] Nathan James, *Report R44179, Federal Tactical Teams*, CONGRESSIONAL RESEARCH SERVICE, Sep. 3, 2015, p. 15.
[4] Inquiry response from EPA to CRS, Nov. 20, 2014, on file with the House Oversight and Government Reform Committee.
[5] *EPA's Role in Emergency Response—Special Teams*, http://www2.epa.gov/emergency-response/epas-role-emergency-response-special-teams.

In 2013, media reports described a "heavy-handed" EPA raid at various mining sites near Chicken, Alaska.[6] In May 2012, the EPA initiated another aggressive response when a North Carolina resident, Larry Keller, "was visited by armed EPA agents after sending an email to Al Armendariz, the regional administrator who was video-taped saying his enforcement strategy was to 'crucify' executives from big oil and gas companies."[7] It is unclear from press reports which branch, if any, of EPA participated in those actions, or whether NCERT played a role in either.

In order to better assess the nature of EPA's "Special Teams," and in particular "NCERT," in law-enforcement activities, please provide documents sufficient to provide answers to the following questions as soon as possible, but no later than 5:00 p.m. on November 4, 2015:

1. Identify any or all of the tactical equipment (including, but not limited to, firearms or any other destructive device as defined by the Bureau of Alcohol, Tobacco, Firearms and Explosives; body armor; and armored vehicles) provided exclusively to NCERT. Additionally, identify any other EPA department that receives such tactical equipment.

2. Distinguishing between part-time and full-time, how many officers, employees, or agents comprise NCERT?

3. Did NCERT personnel participate in either the action at Chicken, Alaska, or the incident involving Larry Keller? If NCERT did not participate, please provide the name of any entity at EPA that did participate.

4. How many times has NCERT been deployed per year during FY2010 through FY2015?

5. What is the annual budget for maintaining NCERT in EPA, including, but not limited to, salaries, benefits, and training costs of personnel, as well as procurement and maintenance of equipment used by the team?

6. What is EPA's process for determining when and how NCERT is used? Who has the decision-making authority to determine whether a team of special agents is needed to execute an investigation?

7. Does EPA ever request support from other federal agencies with a primarily law enforcement mission such as the FBI, or local or state law enforcement, in place of using NCERT? If so, what is the process for requesting support?

8. Why do you believe it is necessary for EPA to maintain the capability provided by NCERT? How would EPA's mission be affected if your agency were to lose its NCERT capability?

---

[6] *Armed EPA raid in Alaska sheds light on 70 fed agencies with armed divisions*, FOX NEWS POLITICS, Sep. 14, 2013, accessed from: http://www.foxnews.com/politics/2013/09/14/armed-epa-agents-in-alaska-shed-light-on-70-fed-agencies-with-armed-divisions/.
[7] *Id.*

Please deliver your response to the Majority staff in Room 2157 of the Rayburn House Office Building and the Minority staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive your response in electronic format.

Please also provide a briefing to Committee staff with respect to these issues no later than November 9, 2015.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

Please contact Art Arthur with the Oversight Committee staff at (202) 225-5074 with any questions about this request. Thank you for your attention to this matter.

Sincerely,

Jason Chaffetz
Chairman

Ron DeSantis
Chairman
Subcommittee on National Security

cc: The Honorable Elijah E. Cummings, Ranking Member

The Honorable Stephen F. Lynch, Ranking Member
Subcommittee on National Security

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.

2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.

3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.

4. Documents produced in electronic format should also be organized, identified, and indexed electronically.

5. Electronic document productions should be prepared according to the following standards:

   (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.

   (b) Document numbers in the load file should match document Bates numbers and TIF file names.

   (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

   (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;

   BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT,CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.

9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.

10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.

11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.

12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.

13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.

14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.

15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.

16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.

17. All documents shall be Bates-stamped sequentially and produced sequentially.

18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.

3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.

4. The terms "person" or "persons" mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term "identify," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.

6. The term "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.

7. The term "employee" means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.

To: Dickerson, Tom[Dickerson.Tom@epa.gov]
Cc: Arthur, Art[Art.Arthur@mail.house.gov]
From: Vance, Sarah (OGRR)
Sent: Tue 11/24/2015 5:28:46 PM
Subject: RE: Letter from the House Committee on Oversight and Government Reform
2015-10-27 JC DeSantis to McCarthy-EPA re law enforcement responsibilities due 11-4.pdf

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Thank you,

Laura Rush

Laura L. Rush

Chief Clerk

Committee on Oversight and Government Reform

2157 Rayburn HOB, Washington, D.C. 20515

202-593-9663

JASON CHAFFETZ, UTAH
CHAIRMAN

ONE HUNDRED FOURTEENTH CONGRESS

ELIJAH E. CUMMINGS, MARYLAND
RANKING MINORITY MEMBER

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143
MAJORITY (202) 225–5074
MINORITY (202) 225–5051
http://oversight.house.gov

October 27, 2015

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Ms. McCarthy:

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[1] *See, e.g.*, John Fund, *Military-style units from government agencies are wreaking havoc on non-violent citizens*, NATIONAL REVIEW, Apr. 18, 2014. Accessed at: http://www.nationalreview.com/article/376053/united-states-swat-john-fund
[2] Open The Books Oversight Report, "U.S. Environmental Protection Agency, Fiscal Years 2000-2014: Overview Study," Sep. 2015, p. 13. Accessed at: https://www.openthebooks.com/assets/1/7/Open_The_Books_Oversight_Report_-_Environmental_Protection_Agency_FINAL.pdf.
[3] Nathan James, *Report R44179, Federal Tactical Teams*, CONGRESSIONAL RESEARCH SERVICE, Sep. 3, 2015, p. 15.
[4] Inquiry response from EPA to CRS, Nov. 20, 2014, on file with the House Oversight and Government Reform Committee.
[5] *EPA's Role in Emergency Response—Special Teams*, http://www2.epa.gov/emergency-response/epas-role-emergency-response-special-teams.

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8. Why do you believe it is necessary for EPA to maintain the capability provided by NCERT? How would EPA's mission be affected if your agency were to lose its NCERT capability?

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Sincerely,

Jason Chaffetz
Chairman

Ron DeSantis
Chairman
Subcommittee on National Security

cc: The Honorable Elijah E. Cummings, Ranking Member

The Honorable Stephen F. Lynch, Ranking Member
Subcommittee on National Security

Responding to Committee Document Requests

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3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.

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   (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

   (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;

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6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.

9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.

10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.

11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.

12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.

13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.

14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.

15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.

16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.

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18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.

3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.

4. The terms "person" or "persons" mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term "identify," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.

6. The term "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.

7. The term "employee" means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.

To: Dickerson, Tom[Dickerson.Tom@epa.gov]
Cc: Dockham, Andrew[Andrew.Dockham@mail.house.gov]; Arthur, Art[Art.Arthur@mail.house.gov]; Vance, Sarah (OGRR)[Sarah.Vance@mail.house.gov]; Rush, Laura[Laura.Rush@mail.house.gov]
From: Rush, Laura
Sent: Tue 10/27/2015 8:57:46 PM
Subject: Letter from the House Committee on Oversight and Government Reform
2015-10-27 JC DeSantis to McCarthy-EPA re law enforcement responsibilities due 11-4.pdf

Attached please find a letter to Administrator McCarthy from the U.S. House of Representatives Committee on Oversight and Government Reform. The original will be dropped in the mail. Please note that the letter requests a response by Monday, November 9, 2015.

Please acknowledge receipt of this message and attachment.

Thank you,

Laura Rush

Laura L. Rush

Chief Clerk

Committee on Oversight and Government Reform

2157 Rayburn HOB, Washington, D.C. 20515

202-593-9663

JASON CHAFFETZ, UTAH
CHAIRMAN

ONE HUNDRED FOURTEENTH CONGRESS

ELIJAH E. CUMMINGS, MARYLAND
RANKING MINORITY MEMBER

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143
MAJORITY (202) 225–5074
MINORITY (202) 225–5051
http://oversight.house.gov

October 27, 2015

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Ms. McCarthy:

In recent years, multiple reports have emerged of law enforcement teams at agencies with marginal law enforcement responsibilities using tactical equipment to conduct raids.[1] The Environmental Protection Agency (EPA) appears to be at the forefront of this trend. The non-profit government transparency organization, Open the Books, released a report last month stating the EPA has spent millions of dollars since 2006 to outfit 200 special agents with "guns over 300MM," "body armor," "camouflage and other deceptive equipment," "unmanned aircraft," "radar equipment," "night-vision equipment," and "amphibious assault ships."[2]

In 2014, the Congressional Research Service sent an inquiry to the EPA, along with 70 other federal agencies, asking the following question:

> Does your agency have any designated tactical teams? Members of these teams are recruited, selected, trained, equipped and assigned to resolve critical incidents involving a threat to public safety which would otherwise exceed the capabilities of traditional law enforcement, first responders, and/or investigative units. . . . These teams can be comprised of officers or agents who participate on the team on a part-time basis.[3]

In response, the EPA stated: "No. EPA does not have a team that meets this definition."[4] EPA's website, however, does state that the EPA's "Office of Criminal Enforcement, Forensics, and Training" has a "National Criminal Enforcement Response Team (NCERT)," which "supports environmental crime investigations involving chemical, biological, or radiological releases to the environment."[5]

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[1] *See, e.g.*, John Fund, *Military-style units from government agencies are wreaking havoc on non-violent citizens*, NATIONAL REVIEW, Apr. 18, 2014. Accessed at: http://www.nationalreview.com/article/376053/united-states-swat-john-fund
[2] Open The Books Oversight Report, "U.S. Environmental Protection Agency, Fiscal Years 2000-2014: Overview Study," Sep. 2015, p. 13. Accessed at: https://www.openthebooks.com/assets/1/7/Open_The_Books_Oversight_Report_-_Environmental_Protection_Agency_FINAL.pdf.
[3] Nathan James, *Report R44179, Federal Tactical Teams*, CONGRESSIONAL RESEARCH SERVICE, Sep. 3, 2015, p. 15.
[4] Inquiry response from EPA to CRS, Nov. 20, 2014, on file with the House Oversight and Government Reform Committee.
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Subcommittee on National Security

cc: The Honorable Elijah E. Cummings, Ranking Member

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To: becca.brown@mail.house.gov[becca.brown@mail.house.gov]
From: Davis, CatherineM
Sent: Tue 2/2/2016 10:34:29 PM
Subject: Hearing Tomorrow on Flint

Hi Becca,

Will Representative DeSantis be attending the Oversight Committee hearing tomorrow morning?
If so, do you have any questions that EPA should be prepared for?

Regards,

Cathy Davis

Office of Congressional and

Intergovernmental Relations

202-564-2703

davis.catherinem@epa.gov

Send mail to:

US Environmental Protection Agency

1200 Pennsylvania Ave, NW

MC: 1305A

Washington, DC 20460