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

DEC 19 2019

OFFICE OF CONGRESSIONAL
AND INTERGOVERNMENTAL RELATIONS

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

Dear Mr. Chairman:

On behalf of the U.S. Environmental Protection Agency, I am writing in response to your letter dated December 12, 2019, to Administrator Andrew Wheeler, regarding the Seven Day Letter and subsequent December 10, 2019 report from the EPA Office of Inspector General (OIG).

On October 29, 2019, Administrator Wheeler received a letter from the Acting Inspector General pursuant to Section 5(d) of the Inspector General Act of 1978 ("the IG Act"), more commonly known as a "Seven Day Letter." On November 5, 2019, as required by the IG Act, Administrator Wheeler transmitted the Seven Day Letter to Congress fulfilling the statutory obligation. *See* 5 U.S.C. App. 3 § 5(d).

Contrary to the allegations outlined in the Seven Day Letter, the EPA has cooperated with the OIG and will continue to cooperate regarding the OIG's ongoing work. It is unfortunate that despite ongoing discussions with the OIG, the Acting Inspector General still decided to send the unnecessary Seven Day Letter. During these discussions Administrator Wheeler has detailed his desire to move forward and address the concerns noted by both sides. Moreover, Chief of Staff Ryan Jackson previously offered and has now met with the OIG for an interview with the Acting Inspector General. Providing an interview should have precluded the need for a Seven Day Letter; yet, the Acting Inspector General decided to proceed with the letter regardless.

The Agency is troubled by OIG's recent actions which unnecessarily escalate the situation. The drastic step of sending a Seven Day Letter, despite the interview offers, is particularly concerning because it undercuts the assistance the Agency has provided and undermines the cooperative and iterative relationship that the EPA shares with the OIG. Notwithstanding the OIG's previous statements and actions, including the issuing of the Seven Day Letter and the subsequent report on December 10, Administrator Wheeler has always encouraged cooperation with the OIG. Nothing has changed that approach. The EPA has fulfilled its obligations outlined in the Seven-Day-Letter by promptly transmitting it to Congress. The second interview with Chief of Staff Ryan Jackson also provided all necessary cooperation with the OIG on this matter.

The memo from the EPA General Counsel that was provided in response to the Seven Day Letter lays out the Agency's obligations is attached, and additional Agency documentation that was provided to the Committee is on the Agency's website (https://www.epa.gov/newsroom/epa-responses-october-29-2019-seven-day-letter-epa-inspector-general-administrator-wheeler). Moreover, Agency staff continue to cooperate with the OIG.

If you have further questions, you may contact me, or your staff may contact Kristien Knapp in the EPA's Office of Congressional and Intergovernmental Relations at Knapp.Kristien@epa.gov or (202) 564-3277.

Sincerely,

Joseph A. Brazauskas, Jr.
Associate Administrator

Enclosure

cc: The Honorable Greg Walden, Ranking Member