

# News Release

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U.S. Environmental Protection Agency  
Office of Inspector General  
Washington, D.C.

For Immediate Release  
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Contact: Jennifer Kaplan  
Phone: (202) 566-0918  
Email: [Kaplan.Jennifer@epa.gov](mailto:Kaplan.Jennifer@epa.gov)

## **EPA IG responds to memo from agency's Deputy Administrator challenging 'context' of responses to Sen. Vitter's questions**

**WASHINGTON** – U.S. Environmental Protection Agency (EPA) Inspector General (IG) Arthur A. Elkins Jr. today responded to a February 27 memorandum from EPA Deputy Administrator Bob Perciasepe addressing the IG's recent correspondence with U.S. Sen. David Vitter.

All three earlier documents – the original letter from Sen. Vitter to IG Elkins, the IG's response and the EPA Deputy Administrator's related comments – were posted on the Internet and drew media attention. The memo accompanying this news release will constitute the IG's final posting to this open conversation.

The Office of Inspector General is an independent office within the EPA that performs audits, program evaluations and investigations of the EPA and its contractors, and prevents and detects fraud, waste, and abuse. By helping the agency operate more economically, effectively and efficiently, the OIG contributes to improved environmental quality and human health. The OIG strives to provide solutions to problems that ultimately result in making America a cleaner and healthier place. For more information, visit <http://www.epa.gov/oig> and follow the OIG on Twitter at [@EPAoig](https://twitter.com/EPAoig) (<https://twitter.com/EPAoig>).

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

MAR - 5 2014

THE INSPECTOR GENERAL

**MEMORANDUM**

**SUBJECT:** IG Response to Deputy Administrator Memo on Senator Vitter's Response

**FROM:** Arthur A. Elkins Jr.

A handwritten signature in blue ink, appearing to read "Arthur A. Elkins Jr.", written over the printed name.

**TO:** Bob Perciasepe, Deputy Administrator

I am writing in reply to your memorandum of February 27 addressing my February 24 letter to Senator David Vitter responding to a series of specific questions he had sent to me. Your memo states its goal as "to help ensure an accurate record and a more complete portrait of the issues." In the spirit of that goal, while I am reluctant to engage further in a public dialogue, I am compelled to correct your statement of the facts and record on a matter of critical importance. This memo, to be available on the Office of Inspector General (OIG) website, will be my last posting in this open conversation.

That matter is the OIG's jurisdiction relative to the U.S. Environmental Protection Agency's (EPA's) internal Office of Homeland Security (OHS). Your memo states that the Inspector General Act provides my office with the authority to investigate fraud, waste and abuse, which is true. However, the act *also* confers upon the OIG independent authority to manage, set policy, coordinate and carry out overall responsibility for investigating allegations of employee misconduct; threats against EPA employees, contractors, facilities and assets; financial fraud; assaults and other acts of violence committed in EPA facilities; intrusion into systems and computers; theft of property or funds within EPA facilities; impersonating EPA officials; and counterfeiting or misuse of EPA official insignia, logos or credentials. Most OIGs across the federal government are invested under federal law with this range of authority.

The OHS, a non-statutory creation of the EPA that reports to the agency's Office of the Administrator, lacks both investigative and law enforcement authority.

Your memo incorrectly states that the OIG “has maintained it has a primary role in investigating national security matters at the EPA.” In fact, the opposite is true. We repeatedly have acknowledged that national security is the purview of the OHS. We have emphasized the point in writing. For example, in an email sent July 10, 2013, to the acting Associate Administrator of OHS and forwarded to your Chief of Staff, Deputy Chiefs of Staff, Intelligence Advisors, acting General Counsel and Senior Attorneys in the Office of General Counsel, my Assistant Inspector General for Investigations (AIGI), Patrick Sullivan, wrote, “As we have discussed in the past, it is my hope that OHS and OIG can work collaboratively together in matters of mutual interest. OHS has the primary role to play representing EPA in national security and intelligence issues. Within EPA, the OIG has the responsibility and jurisdiction to investigate allegations of employee and contractor misconduct. . . . We are prepared, and have the authority and jurisdiction, to work such matters jointly with the FBI and OHS.”

Your memo mentions that the EPA has an agreement with the FBI “to deal with OHS” on the “programmatic function” of national security. As you know, the EPA unilaterally entered into an agreement with the FBI that establishes the OHS as the agency’s single point of contact on certain EPA investigations. In practice, this arrangement has effectively precluded the OIG from being able to investigate employee misconduct or any of the other areas that fall within our congressionally-mandated mission. The EPA cannot purport to limit or infringe upon the Inspector General’s statutory authority via such an agreement with another entity and without my office’s knowledge and concurrence. Where employee misconduct or another OIG-covered issue is present, regardless of whether or not national security is also involved, the OIG must be able to conduct its work without interference.

In addition, OHS does not share with the OIG threat information within our jurisdiction. On August 14, 2013, AIGI Sullivan sent an email to the acting Associate Administrator of OHS after receiving from the U.S. Secret Service a report summarizing a threat against both President Obama and the EPA. Although the Secret Service had prepared the report at the request of an OHS employee, the OHS had not informed the OIG. A portion of AIGI Sullivan’s message reads, “We have requested on numerous occasions to work collaboratively with OHS staff on matters of mutual interest. Specifically, we requested to be informed about any threat information that may come to OHS’s attention. However, there appears to be no communication from OHS to OIG on threats, and little communication from OHS on other matters within the OIG’s law enforcement jurisdiction.” The next day, the acting Associate Administrator of OHS replied to AIGI Sullivan that he had asked OHS’ Senior Intelligence Advisor to follow up. AIGI Sullivan never received any further communication from OHS on this topic.

By contrast, the OIG’s Office of Investigations appreciates mutually beneficial working relationships with the EPA’s Protective Service Detail and Security Management Division,

which immediately refer to us any threat-related information of which they learn in order for it to be expeditiously investigated. In turn, we provide them the findings of every threat investigation.

Please also know that I share your comments about the dedication and professionalism of the EPA's workforce. We owe it to the vast majority of the agency's employees, and to the taxpayers, to ensure that wrongdoing by the few does not go unnoticed or without consequence. That is why it is so important that the OIG not be blocked from doing its job.