

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 4/12/2017 3:28:27 PM
To: Minoli, Kevin [Minoli.Kevin@epa.gov]
Subject: Fwd: OIG Policy Statement Update/Revision
Attachments: Cooperation and Communication with OIG- for Administrator april 2017.doc; ATT00001.htm

You asked me to forward this to you for your review when ready so here it is.

Also I need to touch base with you re petition process generally. You around the next couple of days.

Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999

Begin forwarded message:

From: "Reeder, John" <Reeder.John@epa.gov>
Date: April 12, 2017 at 11:11:17 AM EDT
To: "Jackson, Ryan" <jackson.ryan@epa.gov>
Subject: FW: OIG Policy Statement Update/Revision

First one ready is "cooperate with OIG" memo (attached). As I mentioned in my last note, this is going thru OGC review now.

MEMORANDUM

SUBJECT: Cooperation and Communication with the Office of Inspector General

FROM: Administrator

TO: All EPA Employees

I am honored by and aware of the public trust that accompanies my being selected to lead the EPA as its Administrator. One of the key means through which we ensure the kind of accountability deserving of public trust is the internal review and oversight carried out by our Office of Inspector General. The purpose of this memorandum is to address how I expect Agency personnel to interact with the OIG.

The OIG serves as an independent and objective office within our agency, preventing and rooting out fraud, waste, mismanagement and abuse in agency programs and operations. This important work enables us all to be more effective in achieving the agency's mission. To carry out its statutorily required function, the OIG requires information and assistance from EPA managers and staff.

It is imperative that Agency personnel provide the OIG with full and unrestricted access to personnel, facilities, and records or other information or material that is needed by the OIG to accomplish its mission.

For EPA to be fully successful in detecting and preventing fraud, waste and abuse, our communications with the OIG must flow in both directions. Not only are EPA employees obliged to cooperate and provide access as described above, but the OIG needs for you to come to them whenever you see activity that appears illegal, improper or wasteful, including suspected misconduct on the part of EPA employees or contractors.

I expect all employees and supervisors to report such activity to the OIG when they see it.

The easiest way to report information to the OIG is to contact the OIG Hotline at OIG_Hotline@epa.gov or toll free at 1-888-546-8740. You may request anonymity.

Message

From: Fonseca, Silvina [Fonseca.Silvina@epa.gov]
Sent: 6/26/2017 12:13:14 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Hope, Brian [Hope.Brian@epa.gov]; Minoli, Kevin [Minoli.Kevin@epa.gov]; Willis, Sharnett [Willis.Sharnett@epa.gov]
Subject: Re: RE: RE:

Yes I have them I will get them to John this morning.

Sent from my iPhone

On Jun 26, 2017, at 8:08 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

I would like to go ahead and get this this morning so I can take a look at the latest today and get back with all of you.

Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999

On Jun 26, 2017, at 7:49 AM, Hope, Brian <Hope.Brian@epa.gov> wrote:

I'm available to meet today as well. I packaged the four memos last Wednesday morning. I believe that Silvina was holding them for John Reeder's review. I'll make sure he's aware of the need to get these wrapped up ASAP. Thanks.

Sent from my iPhone

On Jun 24, 2017, at 12:24 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Hi Ryan- I'm happy to meet on Monday if that's helpful.

I sent the OIG Cooperation Memo to Brian on Tuesday so I think he has the following ready for final review and signature:

- 1) EEO Statement
- 2) Elevation Memo
- 3) Fishbowl Memo
- 4) Cooperation with the OIG

While there are no legal issues with the document, I would recommend folks like Liz also review the Fishbowl memo before it goes to the Administrator to be sure folks are comfortable with the statements and commitments in there.

I have not sent Brian the new litigation memo as I was waiting to hear back from you on that. I did not get any comments back from Byron on this version. Let me know if you'd like me to send that memo to Brian as well or hold off for now.

Thanks, Kevin

Kevin S. Minoli
Acting General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Jun 23, 2017, at 5:58 PM, Jackson, Ryan
<jackson.ryan@epa.gov> wrote:

Can we get together on all the outstanding memos Monday? I need to get this finished.

From: Hope, Brian
Sent: Tuesday, June 20, 2017 7:49 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: RE: RE:

I have the first three but do not have the OIG cooperation memo or see it in CMS. Kevin – did you or Elise have edits to the versions we sent up? If so, can you send them to me? I'll get the OIG memo from Derek and will have all four up to you tomorrow morning. Do you want them routed through the special assistants as per usual or to come straight to you? Thanks, Ryan.

- <!--[if !supportLists]--><!--[endif]-->Brian

From: Jackson, Ryan
Sent: Tuesday, June 20, 2017 6:51 PM
To: Hope, Brian <Hope.Brian@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: Fwd: RE:

Brian, do you have drafts of these memos?

Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999

Begin forwarded message:

From: "Minoli, Kevin"
<Minoli.Kevin@epa.gov>
Date: June 20, 2017 at 6:17:43 PM
EDT
To: "Jackson, Ryan"
<jackson.ryan@epa.gov>
Subject: RE:

Hi Ryan- Do you want me to get time with you tomorrow on OHS-OIG?

On the memos, my understanding is that OEX has ready to go the final versions of:

- 1) EEO Statement
- 2) Elevation Memo
- 3) Fishbowl Memo (We just received a letter from EDF today citing this memo that I will send to you to review before the Administrator signs the Fishbowl memo).

Additionally, Derek Threet has put into CMS for signature the following:

- 1) Cooperation with the OIG

So, I think they are ready to move and with OEX. Is there anything I can do to help get them from OEX to you?

Kevin S. Minoli
Acting General Counsel
Office of General Counsel
US Environmental Protection
Agency
Main Office Line: 202-564-8040

-----Original Message-----

From: Jackson, Ryan
Sent: Tuesday, June 20, 2017 3:48 PM
To: Minoli, Kevin
<Minoli.Kevin@epa.gov>
Subject:

I need to get back with you re the oig
and ohs. And I need to really finish
up the fish bowl, scientific integrity
or other, anti-discrimination, and
other housekeeping but important
memos.

Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999

Message

From: Reeder, John [Reeder.John@epa.gov]
Sent: 6/26/2017 2:40:52 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Fonseca, Silvina [Fonseca.Silvina@epa.gov]; Hope, Brian [Hope.Brian@epa.gov]
Subject: 4 POLICY StmtS are now with Sharnett

These 4 cleared by Kevin. See his note re/ review by Liz. Let me know if you want me to handle Liz (or other) review.

John R.

++++
++++

From: "Minoli, Kevin" <Minoli.Kevin@epa.gov>
Date: June 24, 2017 at 12:24:02 PM EDT
To: "Jackson, Ryan" <jackson.ryan@epa.gov>
Cc: "Hope, Brian" <Hope.Brian@epa.gov>, "Willis, Sharnett" <Willis.Sharnett@epa.gov>
Subject: Re: RE: RE:

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Thanks, Kevin

Kevin S. Minoli
Acting General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

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Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: RE: RE:

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- Brian

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Subject: Fwd: RE:

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Ryan Jackson
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To: "Jackson, Ryan" <jackson.ryan@epa.gov>
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Additionally, Derek Threet has put into CMS for signature the following:

1) Cooperation with the OIG

So, I think they are ready to move and with OEX. Is there anything I can do to help get them from OEX to you?

Kevin S. Minoli
Acting General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

-----Original Message-----

From: Jackson, Ryan
Sent: Tuesday, June 20, 2017 3:48 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject:

I need to get back with you re the oig and ohs. And I need to really finish up the fish bowl, scientific integrity or other, anti-discrimination, and other housekeeping but important memos.

Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999

Message

From: Reeder, John [Reeder.John@epa.gov]
Sent: 7/10/2017 1:59:23 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Hope, Brian [Hope.Brian@epa.gov]; Minoli, Kevin [Minoli.Kevin@epa.gov]
Subject: Previously issued policy memos
Attachments: Summary of General Agency Policy Statements - OIC - Feb 28 2017.docx; EPA 6-19-2014 OHS-OIG Working Effectively and Cooperatively.pdf

Ryan,

To clarify, the FIRST attachment includes all the policy memos issued by former Administrators. The SECOND is the "OIG-OHS cooperation" memo.

I don't know for sure what you want for "*most recent*" on your second list. **If you want the electronic NEW drafts prepared for Pruitt, Brian Hope is ready to send those**, and cc'd on this note.

If you'd like some staff support to show you the differences between versions, I have someone ready to help....just let me know.

JReeder
564 6082

From: Jackson, Ryan
Sent: Monday, July 10, 2017 7:54 AM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Reeder, John <Reeder.John@epa.gov>
Subject:

Can I get previous copies of the:

- Working with OIG memo
- EEO memo

Can I get an electronic copy of the most recent:

- Elevation memo
- Working with OIG memo
- Fishbowl memo
- EEO memo
- McCarthy memo to OHS and OIG regarding cooperation

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency
(202) 564-6999



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUN 19 2014

MEMORANDUM

SUBJECT: Working Effectively and Cooperatively

FROM: Gina McCarthy

A handwritten signature in black ink, appearing to read "Gina McCarthy".

TO: Arthur Elkins Jr., Inspector General

Peter Jutro, Acting Associate Administrator
Office of Homeland Security

As Administrator, I am responsible for ensuring that the U.S. Environmental Protection Agency fully and effectively achieves its mission to protect our environment and the health of the American people. I do that by relying upon the tremendous talent and dedication of EPA leadership and staff. It is imperative that we function as a team. The Office of the Inspector General and the Office of Homeland Security must each perform its independent, yet complementary, role in a cooperative fashion.

To that end, I rely heavily on your capable leadership of your respective organizations. While we must regretfully acknowledge past difficulties that have arisen in connection with the performance of certain functions in each of your offices, relative to one another, we have made significant progress toward resolving these difficulties, and I am confident we can continue to make progress in eliminating sources of friction that only serve to impair the important work of the EPA. I expect that going forward you will manage your activities to avoid conflicts and to ensure each office is able to focus on its mission.

The OIG plays a unique and critical role in helping to ensure that we remain faithful to our mission and mandates. As I have stated many times, I greatly value the OIG's oversight to identify and to help me address instances of fraud, waste and abuse in the agency's programs. I will not tolerate, nor can the EPA afford, instances of wasteful spending or fraudulent or abusive misconduct at any level. At the same time, the OHS has a critical programmatic responsibility for matters involving national security. I rely on the OHS to ensure the agency appropriately and effectively uses relevant intelligence and provides the President and the National Security Council with information on which to base important decisions on developing and implementing national-security policies.

The work of your two offices must be performed in a manner that respects the roles of each and that places a premium on cooperation. Therefore, I request that you and your offices adhere to the attached procedures¹, which are premised on the following key principles: prompt notification and sharing of information; the preservation of confidentiality and appropriate handling of classified information; and

¹ Certain agency documents, including Order 3220 and the Memorandum of Understanding between the OHS and the FBI, will be reassessed and possibly revised to reflect and support the attached procedures.

the speedy, respectful and decisive resolution of any perceived or actual conflicts to ensure that neither national-security matters nor OIG investigations are jeopardized or compromised.

While these procedures do not cover all areas we have identified as requiring improved cooperation, they provide a framework for the handling of intelligence information and national-security matters that will clarify roles in this critical area of EPA operations. Please continue to work with Deputy Chief of Staff Matthew Fritz on implementing these procedures as well as developing and implementing other approaches, such as the new Threat Coordination Group, to address the other needs for improved cooperation that we have identified.

Thank you for your continued commitment to a high-performing EPA.

Attachment

Environmental Protection Agency (EPA) Procedures for the EPA Office of Homeland Security (OHS) and the EPA Office of Inspector General (OIG) with respect to the handling of matters related to National Security and Intelligence

I. Purpose

These procedures are intended to facilitate the appropriate notification and handling of intelligence and related national security matters by, and between, OIG and OHS. It is further the intent of these procedures to eliminate or otherwise minimize any disruption to national security matters or to OIG investigations that potentially implicate national security matters.

Implementing these procedures should address concerns raised by OIG regarding its ability to take timely action to, as needed, address any existing or possible conflicts between national security matters and activities undertaken by OIG pursuant to its authority under the Inspector General Act. These procedures shall be periodically reviewed, and revised as necessary, to ensure that OHS and OIG, respectively, are able to properly carry out their programmatic and statutory duties.

Because the Federal Bureau of Investigation (FBI) is the primary intelligence and law enforcement agency within the United States, certain of these procedures also address interactions between EPA and the FBI in matters of national security.

II. Scope and Definitions

These procedures are designed to meet the special needs of EPA with respect to national security matters and intelligence information, which implicate the core programmatic function of OHS. However, it is possible for the same information to be 1) intelligence, 2) law enforcement information and/or 3) information that indicates fraud, waste, or abuse at the Agency.¹

"Intelligence" is defined by EO 12333 to include:

- i. **Foreign Intelligence:** Foreign intelligence means information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations, foreign persons, or international terrorists.
- ii. **Counterintelligence:** Counterintelligence means information gathered and activities conducted to identify, deceive, exploit, disrupt, or protect against

¹ While national security matters take primacy, the latter two types of information may indicate a need for additional actions not in these procedures. For example, these procedures do not address information concerning potential fraud, waste, or abuse that does not also involve, or implicate, national security concerns, and for which OHS has no programmatic responsibility. Upon receipt of such information, OHS (as with all EPA Offices and employees) should report it to OIG.

espionage, other intelligence activities, sabotage, or assassinations conducted for or on behalf of foreign powers, organizations, or persons, or their agents, or international terrorist organizations or activities.

“Law enforcement information” is information regarding criminal activity other than that carried out by a foreign government or international terrorist organization.

III. Notifications and Information Sharing

OHS serves as the EPA’s primary liaison to the intelligence community (IC) for matters of national security. In the course of carrying out its programmatic function, including being the primary liaison to the IC, OHS may receive or otherwise become aware of intelligence (as defined herein).

Upon receipt, or becoming aware, of such intelligence, OHS shall promptly, to the maximum extent allowable by law, provide said information to a contact within OIG designated by the Inspector General specifically for the purpose of receiving said intelligence. OHS may seek advice and counsel from the Office of General Counsel for the purpose of determining any applicable statutory or other limitations on the sharing or dissemination of said intelligence in the manner otherwise prescribed under these procedures.

For the purpose of avoiding, to the maximum extent possible, any conflicts between national security matters and matters within the jurisdiction of OIG, OHS shall establish a general process of promptly notifying OIG upon receipt of any intelligence received from the FBI or other member of the IC relating to national security investigations affecting EPA or Agency personnel. Such process shall ensure that OIG has sufficient information to determine the existence of any actual or potential conflicts with OIG matters. Notwithstanding the foregoing, in the event that OHS receives specific intelligence from the FBI or other member of the IC, and the sharing or dissemination of such intelligence is expressly limited under terms of use prescribed by said agency or entity, OHS shall promptly seek written permission to share that intelligence with OIG for the limited purpose of coordinating with OIG to minimize disruption, as described in these procedures. If such permission is denied, OHS shall seek permission to provide to the Inspector General appropriate contact information at FBI or other member of the IC for the purpose of possible OIG contact regarding the nature of the intelligence and restrictions.

In every instance, OIG shall protect information from unauthorized disclosure and will handle information in accordance with all applicable laws and policies. In addition, OIG should take all appropriate measures necessary to avoid acting in a manner that could reasonably be expected to compromise any ongoing national security investigation, including, but not limited to, coordinating its investigative activity with the FBI or other member of the IC leading such ongoing national security investigation.

IV. Handling of Matters

OHS, in carrying out its programmatic duties, principally relating to its serving as the primary liaison to the IC for matters of national security, may receive specific requests for information, or assistance in obtaining information, pertaining to EPA programs or employees. It is not expected that OHS will seek to unilaterally collect information from EPA employees absent a request for assistance from a law enforcement agency such as the FBI.

In any circumstance under which a law enforcement agency such as the FBI, or another member of the IC, seeks to lawfully interview an EPA employee concerning a matter involving national security, it is expected that a law enforcement officer from said agency or entity would perform the lead role in any such interview.² Furthermore, should the FBI, or other member of the IC, determine that an EPA employee should receive and be requested to sign a non-disclosure agreement of any kind, it is my expectation that such an agreement would comply with all legal requirements, including any applicable requirements to protect whistleblowers.

V. Dispute Resolution

In any instance where a member of OIG or OHS believes that the terms or procedures set forth herein have been violated, he or she shall promptly elevate any disagreement or dispute to management within his or her respective Office. Should management be unable to resolve the dispute, it shall be further elevated to the level of the Inspector General and the Associate Administrator for OHS, who shall promptly discuss the dispute for the purpose of seeking an appropriate accommodation or resolution. If, after such discussion, the Inspector General and the Associate Administrator are unable to resolve the dispute, one or both shall immediately report the facts surrounding the dispute to the Deputy Administrator or the Administrator.

² Notwithstanding the position series of any specific OHS personnel, the authorities and directives presently administered by OHS do not authorize the exercise of law enforcement powers by personnel within OHS.

Message

From: Minoli, Kevin [Minoli.Kevin@epa.gov]
Sent: 7/10/2017 12:16:30 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Reeder, John [Reeder.John@epa.gov]
Subject: Re:

Just so we are clear, by "previous copies" of the working with OIG and EEO memos do you mean versions issued by previous Administrators? If so, there are two we can provide you for the OIG memo (Jackson and McCarthy). The EEO one is issued annually, so let us know if you would like the last couple or as many as we can compile.

Finally, do you want this today, or after Erik reviews everything?

Kevin S. Minoli
Acting General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Jul 10, 2017, at 7:53 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Can I get previous copies of the:

- Working with OIG memo
- EEO memo

Can I get an electronic copy of the most recent:

- Elevation memo
- Working with OIG memo
- Fishbowl memo
- EEO memo
- McCarthy memo to OHS and OIG regarding cooperation

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency
(202) 564-6999

Message

From: Reeder, John [Reeder.John@epa.gov]
Sent: 7/10/2017 1:58:51 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Hope, Brian [Hope.Brian@epa.gov]; Minoli, Kevin [Minoli.Kevin@epa.gov]
Subject: Previously issued policy memos
Attachments: Summary of General Agency Policy Statements - OIC - Feb 28 2017.docx; EPA 6-19-2014 OHS-OIG Working Effectively and Cooperatively.pdf

Ryan,

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I don't know for sure what you want for "*most recent*" on your second list. **If you want the electronic NEW drafts prepared for Pruitt, Brian Hope is ready to send those**, and cc'd on this note.

If you'd like some staff support to show you the differences between versions, I have someone ready to help....just let me know.

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564 6082

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To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Reeder, John <Reeder.John@epa.gov>
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- Fishbowl memo
- EEO memo
- McCarthy memo to OHS and OIG regarding cooperation

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency
(202) 564-6999

Message

From: Reeder, John [Reeder.John@epa.gov]
Sent: 7/10/2017 7:48:47 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Minoli, Kevin [Minoli.Kevin@epa.gov]; Hope, Brian [Hope.Brian@epa.gov]; Threet, Derek [Threet.Derek@epa.gov]; Fonseca, Silvina [Fonseca.Silvina@epa.gov]
Subject: Internal Agency Policy memos
Attachments: Pruitt EEO Memo.4.25.17.OEX Edits.docx; Pruitt Elevation Policy Memo.4.25.17.OEX Edits.FINAL.docx; Pruitt Fishbowl Memo.4.25.17.OEX Edits.docx; Pruitt OIG Cooperation Memo.6.14.17.OEX Edits.docx; Anti-Harassment Policy.7.10.17.docx; Jackson EEO Memo.10.1.09.pdf; Jackson OIG Cooperation Memo.8.7.09.pdf; Previously issued policy memos

Ryan,

ATTACHED are:

- 5 documents (BLUE icons) prepared for Adm Pruitt's signature (**EEO, Elevation, Fishbowl, OIG cooperation, anti-harassment**);
- Adm **Jackson's** EEO memo, and **Jackson's** OIG cooperation memo (RED icons);
- My email (TAN icon) from this AM, with all the EXISTING, most recently issued policy memos (mostly McCarthy's), as well as the McCarthy OHS-OIG cooperation memo.

ADDITIONALLY:

1. I gave to Sharnett a folder with all the EXISTING/most recently issued memos included above;
2. You asked about the anti-harassment memo. I've include the electronic version of the anti-harassment memo above, and gave to Sharnett the signature folder. I was holding the anti-harassment memo per your request back in March to issue some of the other policies first, then pick up the harassment policy. But now, in the interest of efficiency, they all in the same "hopper" with you, and you can obtain OGC/Erik review altogether and decide your timing as you please;
3. I recommend a focused meeting on internal communications when you are ready to move on any of these.

Let me know if there's anything more I can do to help.

Thank you to Kevin, Brian, Silvina for pulling all this together.

JReeder
564 6082

Message

From: Minoli, Kevin [Minoli.Kevin@epa.gov]
Sent: 7/10/2017 12:11:32 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Reeder, John [Reeder.John@epa.gov]
Subject: Re: RE:

Hi Erik- There is a mandatory email the head of a agency is required to send each year that we refer to as the EEO memo. It refers the agencies non-discrimination policies.

In addition, the agency has an anti-harassment policy that prohibits behavior that may look like discrimination in some ways, except it is not based on things like race or sex. Examples include a manager who is always angry and demeaning toward an employ or employees, and two employees who gang up to have a new employee. Sending an annual notice regarding that such conduct is also prohibited is something was strongly encourage as we believe it does reduce the frequency of such behavior and it helps individuals know how to raise concerns about such behavior. Without that knowledge, individuals may mistakenly file EEO complaints over this behavior.

I am happy to have Erik review the versions we have prepared for Adm Pruitt's signature and will get them from Brian to ensure he reviews the correct ones.

Kevin

Kevin S. Minoli
Acting General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Jul 10, 2017, at 7:58 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Additionally, the EEO and anti-harassment are two different policies correct?

I'm unsure if a new anti-harassment policy has been drafted or reaffirmation drafted, but can I get previous electronic copies of that as well?

I'm going to clear this backlog out this week with edits and send to OGC for review. This seems like a good exercise for Erik as well.

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Sent: Monday, July 10, 2017 7:54 AM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Reeder, John <Reeder.John@epa.gov>
Subject:

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- <!--[if !supportLists]--><!--[endif]-->Working with OIG memo
- <!--[if !supportLists]--><!--[endif]-->EEO memo

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- <!--[if !supportLists]--><!--[endif]-->Fishbowl memo
- <!--[if !supportLists]--><!--[endif]-->EEO memo
- <!--[if !supportLists]--><!--[endif]-->McCarthy memo to OHS and OIG regarding cooperation

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency
(202) 564-6999

Message

From: Baptist, Erik [baptist.erik@epa.gov]
Sent: 7/28/2017 6:20:14 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: Draft OIG Memorandum

Message conveyed. I will keep you posted.

Erik Baptist

Senior Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Jackson, Ryan
Sent: Friday, July 28, 2017 1:56 PM
To: Baptist, Erik <baptist.erik@epa.gov>
Subject: Re: Draft OIG Memorandum

Send it to art and say Ryan is out and we need clarity. And this statement is not clarity. I need this done preferably today.

Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999

On Jul 28, 2017, at 1:53 PM, Baptist, Erik <baptist.erik@epa.gov> wrote:

Ryan,

Al Larson's response below is probably the best we are going to receive in terms of a greenlight from OIG:

OIG has received and is therefore fully aware of this version. We began this process when Mr. Pruitt said he was interested in issuing a cooperation memo to the EPA workforce and asked for our suggested language. We provided a suggested draft which said what we, the OIG, would say in such a memo. Our language has been changed substantially over numerous drafts. But as we have said consistently throughout this process, this will be Mr. Pruitt's statement of his expectations, and will neither create nor eliminate authorities for the OIG or obligations for EPA employees. Those are statutory.

To summarize, OIG is aware of this draft and appreciates the opportunity to provide input to what will be Mr. Pruitt's statement of expectations.

I have attached a clean version of the OIG memorandum.

Please let me know if you have any questions.

Thanks,

Erik Baptist

Senior Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Jackson, Ryan
Sent: Friday, July 28, 2017 11:59 AM
To: Baptist, Erik <baptist.erik@epa.gov>
Subject: Re: Draft OIG Memorandum

Thank you. Let them know I'd like to issue this next week with a new revision to the McCarthy letter after that. They'll know what I'm talking about.

Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999

On Jul 28, 2017, at 11:55 AM, Baptist, Erik <baptist.erik@epa.gov> wrote:

Still waiting for final word from OIG. We presume it will be fine with OIG, but I asked to get explicit approval from OIG. I'll check on the status.

Sent from my iPhone

On Jul 28, 2017, at 11:37 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

And final word from oig and OGC?

Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999

On Jul 27, 2017, at 8:02 AM, Baptist, Erik <baptist.erik@epa.gov> wrote:

Ryan,

Attached please find a revised OIG memorandum that reflects Al Larson's comments to OGC staff below (in addition to my edits, which you have already seen):

I note that in addition to the changes you highlighted, this version deletes the reference

to OIG statutory access authority. As you know, Congress has been very concerned that certain agencies were not providing access to OIGs as required by the IG Act. Therefore, Congress made the access provision even more emphatic in legislation enacted at the end of 2016. We thought it important for the administrator, in setting forth expectations of cooperation with the OIG, to reinforce those access requirements. Therefore, we find it curious that this simple acknowledgment would be removed. We suggest it be restored when a proposed memo is presented for his consideration.

As to the other changes, as I've noted previously, this would be the Administrator's memo, so he can say what he wants, as this note doesn't create nor remove IG authorities, because those are statutory.

AI

Please let me know if you have any questions.

Thanks,

Erik Baptist
Senior Deputy General Counsel
Office of General Counsel
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(202) 564-1689
baptist.erik@epa.gov

<Pruitt OIG Cooperation Memo_redline
7.26.17.docx>

<Pruitt OIG Cooperation Memo 7.28.17 (clean).docx>

Message

From: Baptist, Erik [baptist.erik@epa.gov]
Sent: 7/28/2017 8:39:24 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: Draft OIG Memorandum

Ryan,

Below please find Art's response and please let me know if you need anything else:

Thanks for the follow-up, Erik. I have no objections to the memo's content. I appreciate you and your team's collaboration with my staff to ensure a balanced narrative. I believe that the Administrator's stated expectations and guidance will be useful to all.

Erik

Sent from my iPhone

On Jul 28, 2017, at 1:56 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Send it to art and say Ryan is out and we need clarity. And this statement is not clarity. I need this done preferably today.

Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999

On Jul 28, 2017, at 1:53 PM, Baptist, Erik <baptist.erik@epa.gov> wrote:

Ryan,

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OIG has received and is therefore fully aware of this version. We began this process when Mr. Pruitt said he was interested in issuing a cooperation memo to the EPA workforce and asked for our suggested language. We provided a suggested draft which said what we, the OIG, would say in such a memo. Our language has been changed substantially over numerous drafts. But as we have said consistently throughout this process, this will be Mr. Pruitt's statement of his expectations, and will neither create nor eliminate authorities for the OIG or obligations for EPA employees. Those are statutory.

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I have attached a clean version of the OIG memorandum.

Please let me know if you have any questions.

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Erik Baptist

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1200 Pennsylvania Ave., NW
Washington, DC 20460
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To: Baptist, Erik <baptist.erik@epa.gov>
Subject: Re: Draft OIG Memorandum

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Ryan Jackson
Chief of Staff
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(202) 564-6999

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Sent from my iPhone

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Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999

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Ryan,

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addition to my edits, which you have already seen):

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baptist.erik@epa.gov

<Pruitt_OIG_Cooperation
Memo_redline_7.26.17.docx>

<Pruitt_OIG_Cooperation_Memo_7.28.17_(clean).docx>

Message

From: Elkins, Arthur [Elkins.Arthur@epa.gov]
Sent: 7/28/2017 11:36:52 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re:

Great! Thank you. Look forward to seeing the OHS update.

Sent from my iPhone

> On Jul 28, 2017, at 7:11 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>
> I think we have a battle rhythm finally.

> I'm updating Administrator McCarthy's memo or letter as well between OIG and OHS presently as well. I believe that information is not being shared with you and that will change for a few reasons.

>
> _____
> Ryan Jackson
> Chief of Staff
> U.S. EPA
> (202) 564-6999

>> On Jul 28, 2017, at 4:30 PM, Elkins, Arthur <Elkins.Arthur@epa.gov> wrote:

>>
>> Thanks for the outreach, Ryan. I informed Erik that I have no objections to the memo's contents. I appreciate your help and the willingness of the Administrator to issue the memo. It is good to see this project finally land.

>> Bests,

>> Art

>> Sent from my iPhone

>>> On Jul 28, 2017, at 3:01 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>>> Good afternoon Art. I wanted to ensure you saw the latest draft of the OIG memo. Our lawyers are talking but I'm getting a lot of lawyer speak (even though we both are too) and I just wanted to ensure it what you expected. Much appreciated.

>>> _____
>>> Ryan Jackson
>>> Chief of Staff
>>> U.S. EPA
>>> (202) 564-6999

Message

From: Baptist, Erik [baptist.erik@epa.gov]
Sent: 7/31/2017 2:52:01 PM
To: Reeder, John [Reeder.John@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: Memoranda Status Update
Attachments: Pruitt OIG Cooperation Memo 7.28.17 (clean).docx

John,

Attached please find a clean version of the revised OIG memorandum.

Art provided the following comment on the revised version (OGC staff kept Al in the loop and conferred with him too):

Thanks for the follow-up, Erik. I have no objections to the memo's content. I appreciate you and your team's collaboration with my staff to ensure a balanced narrative. I believe that the Administrator's stated expectations and guidance will be useful to all.

Please let me know if you need anything else.

Best,

Erik Baptist

Senior Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Reeder, John
Sent: Monday, July 31, 2017 10:27 AM
To: Baptist, Erik <baptist.erik@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: Memoranda Status Update

Erik, can you send me the version of OIG report you cleared?
What did Art have to say – we had worked in close coordination with his counsel Al Larson...just FYI.

Thanks
JReeder
202564 6082

From: Jackson, Ryan
Sent: Monday, July 31, 2017 9:59 AM
To: Baptist, Erik <baptist.erik@epa.gov>; Reeder, John <Reeder.John@epa.gov>
Subject: RE: Memoranda Status Update

Erik and John, will you prepare the OIG memorandum for signature.

From: Baptist, Erik
Sent: Friday, July 28, 2017 6:36 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Memoranda Status Update

Ryan,

I wanted to provide you with an update on the status of the memoranda that I have been reviewing and/or overseeing:

1. **Elevation:** The elevation memorandum should be ready for signature. I believe John Reeder is working on it.
2. **OIG:** The OIG memorandum can be prepared for signature. I forwarded you Art's response (which I hope provides us with sufficient clarity), in addition to a clean version of the memorandum in a separate email.

Please let me know if you have any questions about these memoranda.

Have a great weekend,

Erik Baptist
Senior Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

November 1, 2019

MEMORANDUM

SUBJECT: Working With the Office of the Inspector General To Ensure EPA Is a High-Performing Organization

FROM: E. Scott Pruitt

TO: All EPA Employees

We all share in the public trust that accompanies our positions serving in the EPA. One of the ways we ensure accountability deserving of the public trust is through the review and oversight carried out by our Office of Inspector General (“OIG”). The OIG is an independent office within EPA that serves to prevent and root out fraud, waste, and abuse in Agency programs and operations. This important work enables us all to be more effective in achieving the Agency’s mission. This memorandum serves to explain how I expect Agency personnel to work with the OIG and how OIG conducts its mission.

To meet its statutory mandate, the OIG regularly requires information and assistance from EPA managers and staff. The IG Act states that the IG is authorized to have timely access to all information and material that is available to the Agency and relates to the programs and operations for which the Inspector General has responsibilities under this Act. It is imperative and expected that Agency personnel provide the OIG with access to personnel, facilities, and records, in addition to other information or material that the OIG needs to accomplish its mission. Because I recognize that providing information to the OIG may raise concerns about the improper public release of information, I will work closely with the OIG to prevent such disclosures and to protect EPA employees from any unfair or disrespectful treatment. The OIG is committed to honoring requests for confidentiality – to the extent the law permits – and to handling all EPA documents and information in an appropriate manner. Furthermore, the OIG will continue to respect the multiple demands that managers and staff face on a daily basis and, whenever possible, accommodate scheduling difficulties or other time constraints.

For audits and evaluations, the OIG adheres to standards established by the Comptroller General of the United States, which include many steps to assure transparency and opportunities for comment on draft findings. To ensure that reports, audits, evaluations, or other reviews are fairly prepared and presented, the OIG staff will endeavor to provide EPA management with significant opportunities for interaction. At any time during the course of an audit, evaluation, or

report, EPA management may request a meeting – and indeed should meet – with the OIG to discuss the audit, provide information to clarify management assertions, and discuss the status and any questions. This interaction will help avoid misunderstandings, increase transparency, and result in accurate and helpful ways for the Agency to accomplish its mission.

For investigations of potential violations of the law, the OIG follows generally accepted protocols for questioning employees and gathering evidence.

I continue to expect all employees to report fraud, waste, and abuse to the OIG. Employees should report the following types of conduct: theft of EPA funds, misuse of contract or grant funds, misuse of EPA equipment or assets for personal gain, falsification of EPA reports or records, serious employee misconduct, or participation in EPA program fraud. Each employee taking the responsibility to report activity to the OIG that appears wasteful or illegal is one of the most important and successful means the OIG has for identifying and stopping wrongdoing. I encourage all EPA employees to report information to the OIG by contacting the OIG hotline at OIG_Hotline@epa.gov or toll free at 1-888-546-8740. You may always request anonymity.

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We have the opportunity to administer health and environmental protections that can benefit every person in the United States, strengthen our economy, and conserve environmental resources for their best use for generations to come. Working together we can ensure that we uphold the public trust and public resources bestowed upon us all.

Message

From: Baptist, Erik [baptist.erik@epa.gov]
Sent: 8/4/2017 6:37:38 PM
To: Bowman, Liz [Bowman.Liz@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: OIG Memorandum
Attachments: Pruitt OIG Cooperation Memo 7.28.17 (clean).docx

Liz,

Attached please find the final language of the OIG memorandum. Please let me know if you have any questions.

Thanks,

Erik Baptist
Senior Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

November 1, 2019

MEMORANDUM

SUBJECT: Working With the Office of the Inspector General To Ensure EPA Is a High-Performing Organization

FROM: E. Scott Pruitt

TO: All EPA Employees

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We have the opportunity to administer health and environmental protections that can benefit every person in the United States, strengthen our economy, and conserve environmental resources for their best use for generations to come. Working together we can ensure that we uphold the public trust and public resources bestowed upon us all.

Message

From: Reeder, John [Reeder.John@epa.gov]
Sent: 8/8/2017 4:37:39 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
CC: Grantham, Nancy [Grantham.Nancy@epa.gov]; Flynn, Mike [Flynn.Mike@epa.gov]; Sowell, Sarah [Sowell.Sarah@epa.gov]
Subject: FW: Signed - Working with the OIG Memo
Attachments: Signed - Working with OIG Memo.pdf

Ryan, we will prepare a message for you to transmit this memo as the "headliner" for the weekly newsletter ("Senior Leader message"). This is emailed to all employees.

Let me know if you want to discuss.

Thanks
JReeder
564 6082

From: Burden, Susan
Sent: Tuesday, August 08, 2017 10:17 AM
To: Reeder, John <Reeder.John@epa.gov>
Cc: Gaines, Cynthia <Gaines.Cynthia@epa.gov>; Moritz, Brigette <Moritz.Brigette@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>
Subject: Signed - Working with the OIG Memo

Hi John,

The memo to all EPA employees entitled "Working with the OIG to Ensure EPA is a High-Performing Organization" was signed this morning. Attached is a PDF of the signed memo.

I let Brian Hope know that you are working with Ryan Jackson and Internal Comms to roll this out, so OEX does not need to worry about distributing the memo.

Thanks,

Susan

Susan Burden, Ph.D.
Special Assistant (ORD, OCSPP, OCHP, SAB)
Office of the Administrator
U.S. Environmental Protection Agency
Office: (202) 564-6308
Cell: (202) 740-0169

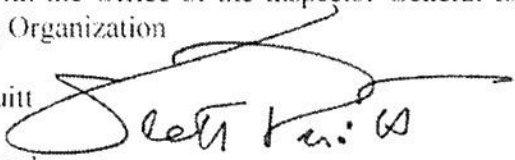


E. SCOTT PRUITT
ADMINISTRATOR

July 31, 2017

MEMORANDUM

SUBJECT: Working with the Office of the Inspector General to Ensure the EPA is a High-Performing Organization

FROM: E. Scott Pruitt 

TO: All EPA Employees

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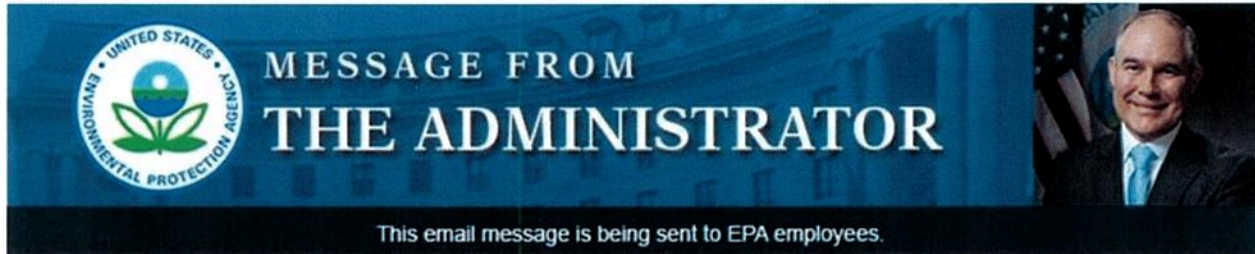
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We have the opportunity to administer health and environmental protections that can benefit every person in the United States, strengthen our economy and conserve environmental resources for their best use for generations to come. Working together we can ensure that we uphold the public trust and public resources bestowed upon us all.

From: Message from the Administrator <messagefromtheadadministrator@epa.gov>
Sent: Tuesday, August 08, 2017 5:05 PM
To: Message from the Administrator <messagefromtheadadministrator@epa.gov>
Subject: Working with the Office of the Inspector General to Ensure the EPA is a High-Performing Organization



MEMORANDUM

SUBJECT: Working with the Office of the Inspector General to Ensure the EPA is a High-Performing Organization

FROM: E. Scott Pruitt

TO: All EPA Employees

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