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ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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July 13, 2007

DENNIS B. FITZGIBBONS, CHIEF OF STAFF
GREGG A. ROTHSCHILD, CHIEF COUNSEL

The Honorable Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Johnson:

The Committee on Energy and Commerce and the Subcommittee on Oversight and Investigations are investigating issues arising from drinking water contamination at Marine Corps Base Camp Lejeune. As a result of the contamination, Camp Lejeune was placed on the Superfund National Priorities List in 1989. The Committee has jurisdiction over interstate and foreign commerce generally, public health, environmental protection (including the Safe Drinking Water Act, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980), and the homeland security-related aspects of the foregoing.

As part of our investigation, we have reviewed both redacted and unredacted copies of a 2005 report of investigation authored by the Environmental Protection Agency's (EPA) Criminal Investigation Division (CID), entitled, "Summary of Investigation, Marine Corps Base Camp Lejeune." Moreover, we have carefully reviewed the testimony presented at the Subcommittee's June 12, 2007, hearing on drinking water contamination at Camp Lejeune and are concerned that the Environmental Protection Agency witnesses may not have been entirely forthcoming.

To assist us in this investigation and so that we may gain a more complete understanding of the activities surrounding the water contamination at Camp Lejeune and EPA's criminal investigation of those activities, please provide copies of all records related to the CID investigation, including the following:

1. All case opening documents, including reports, notes, memoranda, and checklists;

2. All case closing documents, including reports, notes, memoranda, and explanatory records;
3. All requests or referrals for prosecutorial assistance, including any legal analysis of the case, memoranda, notes, and e-mails authored by EPA, the Department of Justice (DOJ), or any other entity;
4. All investigative activity reports, summaries, agent's notes, interview notes, and other investigative records similar to Federal Bureau of Investigation Form 302s;
5. All records obtained in the course of the investigation;
6. All e-mails or memoranda exchanged between EPA, DOJ, and the U.S. Attorney's office in North Carolina;
7. All records related to the DOJ decision not to prosecute, the formulation and presentation of the DOJ "Desk Statement" issued in August 2005, and the briefing provided to Jerome Ensminger and Thomas Townsend in August 2005, including all communications between and among EPA, DOJ, and any other person or entity;
8. All other records related to the Camp Lejeune criminal investigation; and
9. All records related to the Office of Enforcement and Compliance Assurance (OECA) participation in the Committee's June 12, 2007, hearing on drinking water contamination at Camp Lejeune, including all reports, memoranda, and notes, and all e-mails sent from and to Special Agent Tyler Amon; OECA Assistant Administrator Granta Nakayama; OECA Principal Deputy Assistant Administrator Catherine R. McCabe; OECA Deputy Assistant Administrator Lynn Buhl; and Office of Criminal Enforcement Director Peter J. Murtha. Please note that this request applies to all records, from the periods both before the hearing and up to the date of this request.

In addition to the foregoing records, please provide the following information:

1. It is the Committee's understanding that the Camp Lejeune investigation was carried out by a single EPA special agent, Mr. Tyler Amon. Please identify any other EPA employees that may have been involved in the investigation, describe their roles, and provide their contact information;
2. Please identify all employees in the U.S. Attorney's office in North Carolina who participated in the investigation or who were otherwise consulted in the investigation, describe their roles, and provide their contact information; and

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3. Please identify all DOJ employees, other than in the U.S. Attorney's office in North Carolina, who participated in the investigation or who were otherwise consulted with regard to the investigation, describe their roles, and provide their contact information.

Please deliver the requested information and unredacted copies of all related records to the Subcommittee on Oversight and Investigations, room 316 Ford House Office Building, no later than the close of business on Friday, July 27, 2007.

If the Agency elects to assert a privilege or objection to the production of the foregoing records or information, please provide a privilege log fully identifying each record withheld and the legal basis asserted for withholding the record from a Congressional committee of competent jurisdiction.

In responding to this request, please be advised that the terms "records" and "relating to" are defined in the attachment to this letter.

If you have any questions regarding this request, please contact us or have your staff contact John Arlington, Senior Investigative Counsel, with the Committee on Energy and Commerce at (202) 226-2424.

Sincerely,



John D. Dingell
Chairman



Bart Stupak
Chairman
Subcommittee on Oversight and Investigations

Attachment

cc: The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce

The Honorable Ed Whitfield, Ranking Member
Subcommittee on Oversight and Investigations

ATTACHMENT

1. The term "records" is to be construed in the broadest sense and shall mean any written or graphic material, however produced or reproduced, of any kind or description, consisting of the original and any non-identical copy (whether different from the original because of notes made on or attached to such copy or otherwise) and drafts and both sides thereof, whether printed or recorded electronically or magnetically or stored in any type of data bank, including, but not limited to, the following: correspondence, memoranda, records, summaries of personal conversations or interviews, minutes or records of meetings or conferences, opinions or reports of consultants, projections, statistical statements, drafts, contracts, agreements, purchase orders, invoices, confirmations, telegraphs, telexes, agendas, books, notes, pamphlets, periodicals, reports, studies, evaluations, opinions, logs, diaries, desk calendars, appointment books, tape recordings, video recordings, e-mails, voice mails, computer tapes, or other computer stored matter, magnetic tapes, microfilm, microfiche, punch cards, all other records kept by electronic, photographic, or mechanical means, charts, photographs, notebooks, drawings, plans, inter-office communications, intra-office and intra-departmental communications, transcripts, checks and canceled checks, bank statements, ledgers, books, records or statements of accounts, and papers and things similar to any of the foregoing, however denominated.

2. The terms "relating," "relate," or "regarding" as to any given subject means anything that constitutes, contains, embodies, identifies, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.