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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 the management, operation, and activities of the Environmental Protection Agency's (EPA) Office of Enforcement and Compliance Assurance (OECA), with a particular focus on the Office of Criminal Enforcement, Forensics, and Training (OCEFT), and the Criminal Investigation Division (CID). The Committee has jurisdiction over interstate and foreign commerce generally, public health, environmental protection, and the homeland security-related aspects of the foregoing.

Beginning with an investigation in 1981, this Committee has had a long history of ensuring a strong EPA criminal enforcement program. In the mid-1980s, the Committee led the successful effort to give EPA law enforcement authority. In 1990, the Committee produced the Pollution Prosecution Act, which set a mandatory floor for criminal investigator staffing levels. The purpose of the current investigation is to assess the adequacy of EPA's criminal enforcement program and to determine whether EPA is effectively carrying out its statutory responsibilities in investigating and prosecuting environmental crimes.

To aid in our investigation, please provide the following information and records:

1. Please provide an organizational chart for OECA, showing all offices and the names of the managers of each office;
2. Please provide an organizational chart for OCEFT, showing all divisions and names of the managers of each division;

3. Please list the number of employees in OECA by office, occupation (e.g., special agents, lawyers, etc.), and pay grade, as of March 31, 2007;
4. For each Senior Executive Service position in OECA, please provide the name and official title of the person holding that position, the current rate of compensation for each such person, and the amount of any bonus received, for each year from 2001 through 2006;
5. Please list the number of employees in OCEFT by division, occupation (e.g., special agents, lawyers, etc.), and current pay grade, as of March 31, 2007;
6. For each fiscal year (FY) since FY1997, please list the number of special agents in the CID that were assigned to investigate environmental crimes;
7. How many special agents does EPA currently have assigned to investigate environmental crimes (as of June 30, 2007)?
 - a. Are all of the special agents assigned to CID, or, if not, to which organizations are they assigned?
 - b. For special agents assigned to CID, indicate where they are located (e.g., provide the name of each geographic location to which special agents are assigned, and the number of special agents assigned to each such location).
 - c. For special agents not assigned to CID, indicate where they are located (e.g., provide the name of the organization, the geographic locations to which they are assigned, and the number of special agents assigned to each such location).
8. For each of Fiscal Years 1997 through 2006, please provide the following:
 - a. The number of criminal investigations opened by EPA;
 - b. The number of criminal investigations referred to the Department of Justice for prosecution;
 - c. The number of defendants charged;
 - d. The total sentences imposed (in years); and
 - e. The total fines assessed (in millions of dollars).

9. For each case referred to the Department of Justice in Fiscal Years 2002 through 2006, and in Fiscal Year 2007 through June 30:
 - a. Identify each case; and
 - b. Identify the provision of law under which the case was brought.
10. How many criminal investigations are currently open and pending (as of June 30, 2007)?
11. Beginning with 2001, have there been any internal or external studies or investigations concerning possible misuse of special agents? Please provide copies of all reports, memoranda, investigations, or other records related to such studies or investigations;
12. The Pollution Prosecution Act of 1990 (PPA) requires that EPA employ at least 200 criminal investigators within CID;
 - a. Is EPA currently in compliance with the PPA?
 - b. Please provide copies of any study, analysis, or memorandum since 2001 discussing EPA's obligations under the PPA and/or which assesses whether EPA is in compliance with the PPA.
13. How many special agents does EPA currently have assigned to the Homeland Security Division (HSD)?
14. Why and when was HSD created? Please provide copies of all memoranda, studies, reports, or other records pertaining to why HSD was created;
15. For each special agent assigned to HSD, please provide a description of duties and indicate each agent's duty station;
16. Have any criminal investigations been performed by HSD? If so, please identify all such investigations;
17. How many special agents does EPA currently have assigned to the EPA Administrator's Protection Services Detail?
18. When did EPA special agents or other criminal investigators begin providing protective services to the Administrator?

19. Why was the Administrator's Protection Services Detail created? Please provide copies of all memoranda, studies, reports, or other records pertaining to why the Protection Services Detail was created;
20. Has EPA performed a risk assessment addressing the need for protective services for the Administrator? If so, please provide copies of any such risk assessment;
21. What statutory authority does EPA have to use special agents or other criminal investigators to provide personal security for the EPA Administrator?
22. What specific services do the special agents assigned to the EPA Administrator's Protection Services Detail provide?
23. Do special agents provide driving services to or from the Administrator's residence?
24. Do special agents provide personal security to the Administrator when he is not engaged in EPA business?
25. Do special agents provide personal security to the Administrator when he attends various official, unofficial, or social functions outside normal duty hours?
26. For the period of January 1, 2005, to the present, please provide:
 - a. The names of all official, unofficial, or social functions attended by the Administrator for which special agents provided services to the Administrator;
 - b. The dates, times, locations, and events for which those services were provided (*e.g.*, if a reception took place in the evening, please identify the name and location of the event, and specify what time and where the Administrator's protection service began, the duration of the protection, and what time and where the protection ended; and
 - c. If logs or similar records are kept for members of the Protection Services Detail, please provide copies of all such logs or records.
27. In addition to the special agents specifically assigned to the EPA Administrator's Protection Services Detail, are additional special agents used to supplement the Protection Services Detail on an ad hoc basis, such as when the Administrator travels to a location outside Washington? If so, please list all such occasions since January 1, 2005, and for each such occasion, indicate the number of supplemental special agents employed, and the duration of their supplemental employment;

28. Since January 1, 2005, has the Protection Services Detail provided services to any other EPA officials? If so, please list all such officials and the dates and services provided; and
29. Please provide copies of all memoranda, directives, instructions, protocols, and other records issued since 2001 pertaining to the duties and responsibilities of special agents assigned to the Protection Services Detail.

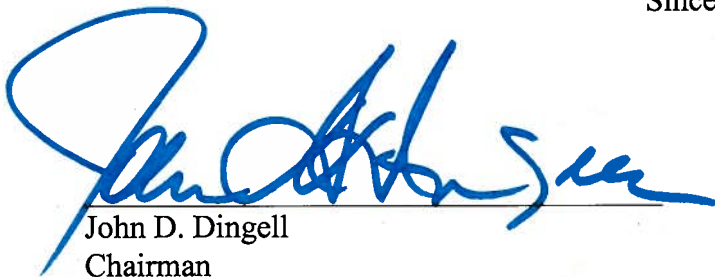
Please deliver the requested information and unredacted copies of all related records to the Subcommittee on Oversight and Investigations, room 316 Ford House Office Building, no later than the close of business on Friday, July 27, 2007.

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, you may 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

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.