



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

MAY 29 2015

The Honorable Jason Chaffetz
Chairman
Committee on Government and Oversight Reform
U.S. House of Representatives
Washington, DC 20515

The Honorable Elijah E. Cummings
Ranking Member
Committee on Government and Oversight Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman and Congressman Cummings:

On April 30, 2015, representatives from the United States Environmental Protection Agency appeared before your Committee to discuss management at the EPA. During that hearing, Ranking Member Cummings urged the agency and its Office of Inspector General (OIG) to work together to improve the agency's practices for sharing information in employee misconduct matters, with the goal of enabling the agency to take more timely administrative disciplinary action, when appropriate. We are pleased to submit this joint letter updating you on the considerable progress made in that regard.

On May 14, 2015, senior representatives from the OIG, the Office of Administration and Resources Management (OARM), and the Office of General Counsel (OGC) held the first of what will initially be biweekly coordination meetings. A second meeting was held on May 28, 2015. These meetings provide: 1) a venue for the OIG to brief agency representatives on employee misconduct matters that have been accepted for investigation; 2) a forum for the agency to express its intent to move forward with administrative action while an OIG investigation is open and to request any evidence or material the OIG has obtained or generated during the course of its investigation; and 3) an opportunity for agency representatives to learn about Reports of Investigation that the OIG has delivered to agency managers but on which the OIG has no information on management actions taken. Although the agency will continue to initially defer to the OIG and the Department of Justice on matters that have been accepted for investigation by the OIG, the biweekly coordination meetings will provide an opportunity for regular, senior-level discussion of pending matters that should allow the OIG to maintain the integrity of its cases, but, at the same time, enable the agency to take timely administrative action, as appropriate.

Additionally, the biweekly meetings will also be used to identify categories of employee misconduct cases where the agency and the OIG can agree to an expedited procedure for the sharing of information. To date, the agency and the OIG identified one such category -- cases involving employees alleged to have used government equipment to access sexually explicit images or information. For this category of cases, the OIG will usually provide the agency with an un-redacted copy of the subject employee's written statement, or, if no such statement was obtained, an unredacted version of the OIG Memorandum of Interview (MOI) within seven days of obtaining either document. In situations where the OIG determines that the sharing of such documents, in either redacted or unredacted form, or any other information requested by the agency, is not possible due to the unique circumstances of the particular investigation, the OIG will inform the agency representatives of that conclusion in writing. Within two weeks of receiving a written statement, MOI, and/or other case evidence, the agency representatives will inform the OIG in writing of its expected process for moving forward on an administrative action, including any fact finding the agency intends to do, unless the agency concludes it cannot act due to the limitations imposed by the OIG on the use of evidence.

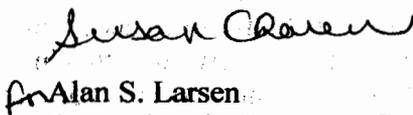
The agency and the OIG are confident that the biweekly coordination meetings will improve information sharing in employee misconduct cases consistent with your statements at the hearing. In fact, since the hearing, the OIG and agency representatives have worked closely on two additional important employee misconduct cases. In both matters, the agency representatives clearly identified the information in the OIG's possession that it needed to act, and the OIG provided that information in a timely fashion. The agency and the OIG look forward to building on those successes in the future.

If you have any questions or would like to discuss this matter further, please do not hesitate to contact us, or your staff may contact Tom Dickerson in the Office of Congressional and Intergovernmental Relations at dickerson.tom@epa.gov or (202) 564-3638, or Jennifer Kaplan in the Office of Inspector General at Kaplan.Jennifer@epa.gov or (202) 566-0918.

Sincerely,



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