

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

April 10, 2018

The Honorable Arthur A. Elkins, Jr.
Inspector General
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Mr. Elkins:

Democratic Members of the Committee on Energy and Commerce have requested several investigations to date regarding protections in place at the U.S. Environmental Protection Agency (EPA) to prevent conflicts of interest and unethical abuses of power during Administrator Scott Pruitt's tenure.¹ On March 13, 2017, Committee Democrats requested that your office investigate the adequacy of EPA's ethics reviews.² On October 30, 2017, we requested you investigate the work of Dr. Nancy Beck and whether EPA's Office of General Counsel improperly issued a determination authorizing her participation in specific party matters involving her former employer, the American Chemistry Council.³ On April 5, 2018, we

¹ Letter from Rep. Frank Pallone, Jr., Ranking Member, House Committee on Energy and Commerce, Rep. Bobby L. Rush, Rep. Kathy Castor, Rep. Diana DeGette, Rep. John Sarbanes, and Rep. Paul Tonko to EPA Inspector General Arthur Elkins (Mar. 13, 2017); Letter from Rep. Frank Pallone, Jr., Ranking Member, Rep. Kathy Castor, Rep. Diana DeGette, and Rep. Paul Tonko to EPA Inspector General Arthur Elkins (Oct. 30, 2017).

² Letter from Rep. Frank Pallone, Jr., Ranking Member, House Committee on Energy and Commerce, Rep. Bobby L. Rush, Rep. Kathy Castor, Rep. Diana DeGette, Rep. John Sarbanes, and Rep. Paul Tonko to EPA Inspector General Arthur Elkins (Mar. 13, 2017)

³ Letter from Rep. Frank Pallone, Jr., Ranking Member, House Committee on Energy and Commerce, Rep. Kathy Castor, Rep. Diana DeGette, and Rep. Paul Tonko to EPA Inspector General Arthur Elkins (Oct. 30, 2017).

requested an investigation into several issues, including whether EPA's political leadership applied political pressure to Agency ethics officials.⁴

On April 6, 2018, the Office of Government Ethics (OGE) sent a letter to Kevin Minoli, EPA's Principal Deputy General Counsel and Designated Agency Ethics Official, outlining many of the concerns expressed in our requests. Among the topics included in the letter was whether Administrator Pruitt violated the Standards of Ethical Conduct for Employees of the Executive Branch and Executive Order 13770.⁵ OGE's request stated that it "expects that the EPA will review and analyze the alleged conduct."⁶

Agency officials are generally in the best position to ascertain the relevant facts and address any individual conflicts of interest or system deficiencies. However, as outlined in our earlier requests, we have serious concerns that the determinations issued by EPA's ethics officials may have been based on incomplete information or influenced by pressure from EPA's political leadership.

Because, in many cases, Mr. Minoli himself issued the ethics determinations in question, we do not believe he is able to impartially conduct the review requested by OGE. In a letter dated April 9, 2017, Mr. Minoli indicated he had referred OGE to your office.⁷ We, therefore, request your office conduct this review, independent of any Agency evaluation.

We also urge you to reconsider our March 13, 2017 and October 30, 2017 requests in light of OGE's concerns. We further ask that your consideration of our April 5, 2018 request reflect OGE's concern, and include a review of whether all determinations issued by EPA's ethics officials for the Agency's political appointees from January 2017 to present were appropriately issued and in compliance with all applicable regulations, policies, and procedures.

Earlier today, we called for Administrator Pruitt's resignation based on his extensive corrupt dealings. However, regardless of whether Scott Pruitt is Administrator of the EPA or not, these issues must be fully addressed in order to ensure EPA's ethics program is effectively preventing conflicts of interest on the part of executive branch employees.

⁴ Letter from Rep. Frank Pallone, Jr., Ranking Member, House Committee on Energy and Commerce, Rep. Kathy Castor, Rep. Diana DeGette, and Rep. Paul Tonko to EPA Inspector General Arthur Elkins (Apr. 5, 2018).

⁵ Letter from David J. Apol, OGE Acting Director and General Counsel, to Kevin Minoli, EPA's Principal Deputy General Counsel and Designated Agency Ethics Official (Apr. 6, 2018).

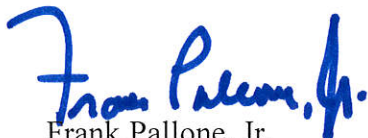
⁶ Letter from David J. Apol, OGE Acting Director and General Counsel, to Kevin Minoli, EPA's Principal Deputy General Counsel and Designated Agency Ethics Official (Apr. 6, 2018).

⁷ Letter from Kevin Minoli, EPA's Principal Deputy General Counsel and Designated Agency Ethics Official to David J. Apol, OGE Acting Director and General Counsel (Apr. 9, 2018)

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We appreciate your ongoing efforts to date in agreeing to conduct several important investigations that we have requested over the past year, and we look forward to your immediate attention to this matter. Should you have any questions, please contact Jon Monger with the Democratic Committee staff at (202) 225-3641.

Sincerely,


Frank Pallone, Jr.
Ranking Member


Paul D. Tonko
Ranking Member
Subcommittee on Environment


Diana DeGette
Ranking Member
Subcommittee on Oversight
and Investigations


Kathy Castor
Vice Ranking Member
Committee on Energy and Commerce

Cc: The Honorable Greg Walden, Chairman
The Honorable John Shimkus, Chairman, Subcommittee on Environment
The Honorable Gregg Harper, Chairman, Subcommittee on Oversight and Investigations
The Honorable Joe Barton, Vice Chairman