

ONE HUNDRED FIFTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

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

October 30, 2017

Arthur A. Elkins, Jr.  
Inspector General  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Mr. Elkins:

In March, we requested that you initiate an investigation into the protections in place at the Environmental Protection Agency (EPA) to prevent conflicts of interest and unethical abuses of power.<sup>1</sup> We write today to renew that request, with a focus on the work of Dr. Nancy Beck related to the interests of her previous employer, the American Chemistry Council (ACC).

Former chemical industry representative Dr. Nancy Beck now serves in a leadership position in EPA's Office of Chemical Safety and Pollution Prevention. Based on a recent report by the *New York Times*, we now know that the EPA Office of General Counsel issued a determination authorizing Dr. Beck to participate in specific party matters involving the ACC, her former employer.<sup>2</sup>

We are concerned that this determination may have been issued in violation of applicable ethics regulations, policies and procedures, and that Dr. Beck's actions since joining EPA are potentially outside the authorized scope of participation. In a June 8, 2017 memorandum, the Acting General Counsel issued a broad authorization allowing Dr. Beck "to participate fully in matters of general applicability, including rulemaking, including consideration of any comments that were made by [the American Chemistry Council]."<sup>3</sup> The memo explained to Dr. Beck:

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<sup>1</sup> Letter from Rep. Frank Pallone, Jr., Ranking Member, 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).

<sup>2</sup> *Why Has the E.P.A. Shifted on Toxic Chemicals? An Industry Insider Helps Call the Shots*, The New York Times (Oct. 21, 2017).

<sup>3</sup> *Id.*

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You have extensive prior expertise with the regulated industry's perspective and are already familiar with (and may well have authored) ACC comments now under consideration. Because your prior knowledge is inherently part of your expertise, it is impractical to excise that knowledge from how you carry out your Agency duties.<sup>4</sup>

This memorandum appears to have allowed broad interference by Dr. Beck on rulemakings for which she had previously authored and submitted comments on behalf of the chemical industry.

Additionally, we are concerned that Dr. Beck's actions at EPA have gone beyond the permissible actions described in the June 8, 2017 determination. For example, Dr. Beck "spent her first weeks on the job pressing agency staff to rewrite the [chemical] standards to reflect, in some cases, word for word, the chemical industry's proposed changes."<sup>5</sup> As rulemaking deadlines approached, "Dr. Beck took control of the rewriting herself, a highly unusual step at the E.P.A., where expert Civil Service employees traditionally hold the rule-writing pen."<sup>6</sup> These are just several examples of possible actions by Dr. Beck which may have exceeded, and preceded, the participation permitted by the June 8, 2017 Office of General Counsel determination.

We therefore request that you investigate the issuance of the June 8 memorandum and Dr. Beck's work at EPA, including the following:

1. Were all applicable regulations, policies, and procedures followed for the June 8, 2017 Office of General Counsel determination? What agency officials prepared, vetted, or otherwise reviewed this determination to confirm compliance with all applicable requirements?
2. Were all actions taken by Dr. Beck described in the October 21 report by the *New York Times* within the scope of authorized participation as outlined in the June 8, 2017 Office of General Counsel determination? For example, did Dr. Beck have authorization to rewrite certain chemical standards to reflect, in some cases, word for word, the chemical industry's proposed regulatory changes?
3. Did Dr. Beck participate in activities affecting her former employer before receiving the June 8 memorandum?

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<sup>4</sup> Memorandum from Kevin S. Minoli, Designated Agency Ethics Official and Acting General Counsel, U.S. Environmental Protection Agency to Nancy Beck, Ph.D., DABT, Deputy Assistant Administrator, Office of Chemical Safety and Pollution Prevention, U.S. Environmental Protection Agency.

<sup>5</sup> *Why Has the E.P.A. Shifted on Toxic Chemicals? An Industry Insider Helps Call the Shots*, *The New York Times* (Oct. 21, 2017).

<sup>6</sup> *Id.*

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4. Dr. Beck joined EPA as an Administratively Determined (AD) position as Deputy Assistant Administrator for the Office of Chemical Safety and Pollution Prevention, circumventing some ethics requirements. Was this use of the AD hiring authority appropriate? What agency justification was provided for using this type of hiring authority for Dr. Beck, and was this justification sufficient given the applicable statutory hiring authority for AD positions?

Thank you for your assistance with this request. Should you have any questions, please contact Jon Monger or Jacqueline Cohen with the Minority Committee Staff at (202) 225-3641.

Sincerely,



Frank Pallone, Jr.  
Ranking Member



Diana DeGette  
Ranking Member  
Subcommittee on Oversight  
and Investigations



Kathy Castor  
Vice Ranking Member



Paul Tonko  
Ranking Member  
Subcommittee on Environment

Cc: The Honorable Greg Walden, Chairman, Committee on Energy and Commerce  
The Honorable Joe Barton, Vice Chairman, Committee on Energy and Commerce  
The Honorable John Shimkus, Chairman, Subcommittee on Environment