

## Attachment A

« [This Week @ EPA – August 6, 2018](#)

[08/08/18 – Environmental News Clips](#) »

## Cooperating with the Office of Inspector General to Ensure the U.S. Environmental Protection Agency is Fulfilling the Public's Trust

Categories:

[Workplace Updates](#)

August 8, 2018

by [R7@Work](#)



As a former career employee at the U.S. Environmental Protection Agency, I recognize the important role that the Office of Inspector General serves in preventing and identifying fraud, waste and abuse in EPA programs and operations. Working at the EPA and advancing our shared mission of protecting human health and the environment is a public trust. One of the ways we ensure accountability deserving of the public's trust is through the review and oversight carried out by the OIG. This important work enables us all to be more effective in achieving the agency's mission with the resources and authorities provided by Congress. The purpose of this memorandum is to explain how I expect agency personnel to work with the OIG and how the OIG conducts its mission.

The OIG is an independent office within the EPA and, to meet its statutory mandate under the Inspector General Act, the OIG requires information and assistance from EPA managers and staff on a regular basis. It is imperative and expected that agency personnel provide the OIG with access to personnel, facilities and records or other information or material that is needed by the OIG to accomplish its mission.

For audits and evaluations, the OIG adheres to standards established by the Comptroller General of the United States, which include many steps to ensure transparency and opportunities for comment on draft findings. To ensure that reports, audits, evaluations or other reviews are fairly prepared and presented, OIG staff will endeavor to provide EPA management with significant opportunities for interaction consistent with the Inspector General Act. At any time during the course of an audit, evaluation or report, EPA management should meet with the OIG to discuss the audit, provide information to clarify management assertions and discuss the status of the OIG's reviews and any questions or OIG recommendations. This interaction will help avoid misunderstandings, increase transparency and result in accurate and helpful ways for the agency to accomplish its mission. EPA management and staff are also expected to respond accordingly and fulfill agreed-upon commitments in response to OIG reports and recommendations.

For investigations of potential violations of the law, the OIG follows generally accepted protocols for questioning employees and gathering evidence.

I continue to expect all employees to report fraud, waste and abuse to the OIG. The types of conduct that should be reported include theft of EPA funds, misuse of contract or grant funds, misuse of EPA equipment or assets for personal gain, falsification of EPA reports or records, serious employee misconduct or participation in EPA program fraud. Each employee taking the responsibility to report activity to the OIG which appears wasteful or illegal is one of the most important and successful means the OIG has for identifying and stopping wrongdoing. I encourage all EPA employees to report information to the OIG by contacting the OIG at [OIG\\_Hotline@epa.gov](mailto:OIG_Hotline@epa.gov) or 1 (888) 546-8740. You may always request anonymity.

EPA employees are not required to obtain permission from or inform managers before they report issues to the OIG. Similarly, EPA employees are not required to obtain permission from or inform managers before they speak with OIG representative during audits, evaluations, investigations or other OIG reviews. Staff may, at their own discretion, contact their manager with any questions regarding their responsibility to cooperate with the OIG or their scheduling of meetings with the OIG unless, in the context of an investigation, they are requested not to do so by the OIG. Please be aware that retaliation against any person who makes reports to the OIG, or who participates in an OIG investigation, is prohibited and will not be tolerated.

Through this cooperation with the OIG and work toward our shared mission, we have the opportunity to improve our operations and performance to benefit every person in the United States. I thank you for your cooperation and commitment to upholding the public's trust in the important work we perform every day on behalf of the American people.



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- EPA Locator

**ONE EPA Workplace**

### Current Weather

#### Lenexa

Last Updated on Oct 24 2019, 1:53 pm CDT  
Weather by [NOAA](#)

#### Current Conditions: Overcast



**Temp:** 46°F  
**Wind:** North at 10mph  
**Humidity:** 68%  
**Windchill:** 41°F

[Your 5-Day Forecast at a Glance](#)

### Upcoming Events

|  |  |
|--|--|
| <p>OCT<br/><b>30</b><br/>Wed<br/>(<a href="http://r7atwork.r07.epa.gov/">http://r7atwork.r07.epa.gov/</a>)</p> | <p><b>9:00 am</b> Conquering Stress in Work and Li... @ 1.A-B33, Marketplace A<br/>(<a href="http://r7atwork.r07.epa.gov/?ai1ec_event=conquering-">http://r7atwork.r07.epa.gov/?ai1ec_event=conquering-</a>)</p> |
|--|--|

**From:** [Jackson, Ryan](#)  
**To:** [Bennett, Angela](#); [Darwin, Henry](#)  
**Cc:** [Benevento, Douglas](#); [Molina, Michael](#); [DeBell, Kevin](#); [Schiermeyer, Corry](#); [Morant, Annette](#); [Leopold, Matt \(OGC\)](#); [Fotouhi, David](#); [Fugh, Justina](#); [Benton, Michael](#); [Willey, Katharine](#); [Regional AFC List](#); [Sheehan, Charles](#); [Shields, Edward](#); [Hanger, Eric](#); [Christensen, Kevin](#); [Wong, Helina](#); [Wright, Stephanie L.](#); [Eyer mann, Richard](#); [El-Zoghbi, Christine](#); [Bartlett, Rashmi](#); [Kaplan, Jennifer](#); [Lagda, Jeffrey](#); [Elbaum, Kentia](#); [Lister, Jan](#); [Pastuck, Margaux](#)  
**Subject:** RE: OIG Notification Memo - Response to Congressional Request Over Concerns with EPA Access to Witness Testimony Prior to Hearing  
**Date:** Wednesday, September 11, 2019 9:32:27 AM

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When would you like to talk to me about this? I'm eager.

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**From:** Bennett, Angela <[Bennett.Angela@epa.gov](mailto:Bennett.Angela@epa.gov)>  
**Sent:** Thursday, August 29, 2019 9:18 AM  
**To:** Darwin, Henry <[darwin.henry@epa.gov](mailto:darwin.henry@epa.gov)>  
**Cc:** Benevento, Douglas <[benevento.douglas@epa.gov](mailto:benevento.douglas@epa.gov)>; Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Molina, Michael <[molina.michael@epa.gov](mailto:molina.michael@epa.gov)>; DeBell, Kevin <[debell.kevin@epa.gov](mailto:debell.kevin@epa.gov)>; Schiermeyer, Corry <[schiermeyer.corry@epa.gov](mailto:schiermeyer.corry@epa.gov)>; Morant, Annette <[Morant.Annette@epa.gov](mailto:Morant.Annette@epa.gov)>; Leopold, Matt (OGC) <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>; Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>; Benton, Michael <[benton.michael@epa.gov](mailto:benton.michael@epa.gov)>; Willey, Katharine <[willey.katharine@epa.gov](mailto:willey.katharine@epa.gov)>; Regional AFC List <[Regional\\_AFC\\_List@epa.gov](mailto:Regional_AFC_List@epa.gov)>; Sheehan, Charles <[Sheehan.Charles@epa.gov](mailto:Sheehan.Charles@epa.gov)>; Shields, Edward <[Shields.Ed@epa.gov](mailto:Shields.Ed@epa.gov)>; Hanger, Eric <[Hanger.Eric@epa.gov](mailto:Hanger.Eric@epa.gov)>; Christensen, Kevin <[Christensen.Kevin@epa.gov](mailto:Christensen.Kevin@epa.gov)>; Wong, Helina <[wong.helina@epa.gov](mailto:wong.helina@epa.gov)>; Wright, Stephanie L. <[Wright.Stephanie@epa.gov](mailto:Wright.Stephanie@epa.gov)>; Eyer mann, Richard <[Eyer mann.Richard@epa.gov](mailto:Eyer mann.Richard@epa.gov)>; El-Zoghbi, Christine <[El-Zoghbi.Christine@epa.gov](mailto:El-Zoghbi.Christine@epa.gov)>; Bartlett, Rashmi <[bartlett.rekha@epa.gov](mailto:bartlett.rekha@epa.gov)>; Kaplan, Jennifer <[Kaplan.Jennifer@epa.gov](mailto:Kaplan.Jennifer@epa.gov)>; Lagda, Jeffrey <[Lagda.Jeffrey@epa.gov](mailto:Lagda.Jeffrey@epa.gov)>; Elbaum, Kentia <[elbaum.kentia@epa.gov](mailto:elbaum.kentia@epa.gov)>; Lister, Jan <[Lister.Jan@epa.gov](mailto:Lister.Jan@epa.gov)>; Pastuck, Margaux <[pastuck.margaux@epa.gov](mailto:pastuck.margaux@epa.gov)>  
**Subject:** OIG Notification Memo - Response to Congressional Request Over Concerns with EPA Access to Witness Testimony Prior to Hearing

Mr. Darwin,

Attached is the notification memo announcing our audit based on a request by Congress regarding concerns with EPA access to witness testimony prior to a House Committee on Science, Space and Technology hearing on May 23, 2017. This is the formal notification to the email notification sent on August 7, 2019. On August 22, 2019, we met with representatives from your office and the Ethics Office to discuss our objectives and address concerns.

If you have any questions or concerns, please contact me or my Director, John Trefry, at 202 566-2474 or by email at [trefry.john@epa.gov](mailto:trefry.john@epa.gov).

*Angela Bennett*

Project Manager  
US EPA – OIG  
Office of Audits and Evaluations  
Forensics Directorate

[bennett.angela@epa.gov](mailto:bennett.angela@epa.gov)

404.562.9844 (w)

404.217.2045 (c)



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

OFFICE OF  
INSPECTOR GENERAL

August 29, 2019

**MEMORANDUM**

**SUBJECT:** Project Notification:  
Response to Congressional Request Over Concerns with EPA Access to  
Witness Testimony Prior to Hearing  
Project No. OA&E-FY19-0313

**FROM:** John Trefry, Director, Forensic Directorate  
Office of Audit and Evaluation

A handwritten signature in blue ink, reading "John Trefry", is placed over the "FROM:" line of the memorandum.

**TO:** Henry Darwin, Acting Deputy Administrator  
Office of the Administrator

The Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA) is initiating an evaluation based on a congressional request that expressed concerns that the EPA obtained advance access to testimony by an environmental science and policy expert before the House Committee on Science, Space and Technology on May 23, 2017. This project is based on an initial congressional request dated June 26, 2017, and subsequent follow-up requests.

Our objectives are to determine: (1) how a senior political appointee obtained a copy of the witness's testimony prior to the congressional hearing, and (2) whether employees in the Administrator's office received whistleblower training on federal prohibitions against interfering with or intimidating individuals who testify before Congress.

The project will be conducted using *Quality Standards for Inspection and Evaluation*, issued by the Council of the Inspectors General on Integrity and Efficiency. The anticipated benefits of this project are to improve operational efficiency.

We will contact the audit coordinator to arrange a mutually agreeable time to discuss the objectives and scope of our project. We would also be particularly interested in any areas of concern that you may have. We will answer any questions you may have about the project process, reporting procedures, methods used to gather and analyze data, and what we should expect of each other during the course of the project. Throughout the project, we will provide updates on a regular basis through a monthly meeting or via email, phone or video conference.

We respectfully note that the OIG is authorized by the Inspector General Act of 1978, as amended, to have timely access to personnel and all materials necessary to complete its objectives. We will request that you resolve the situation if an agency employee or contractor refuses to provide requested records to

the OIG or otherwise fails to cooperate with the OIG. We may report unresolved access matters to the Administrator and include the incident in the *Semiannual Report to Congress*.

I will supervise the project and the Project Manager will be Angela Bennett. Should you or your staff have any questions, please contact me at (202) 566-2474 or [trefry.john@epa.gov](mailto:trefry.john@epa.gov), or Angela Bennett at (404) 562-9844 or [bennett.angela@epa.gov](mailto:bennett.angela@epa.gov).

cc: Doug Benevento, Associate Deputy Administrator  
Ryan Jackson, Chief of Staff  
Michael Molina, Deputy Chief of Staff  
Kevin DeBell, Acting Deputy Chief of Staff  
Corry Schiermeyer, Associate Administrator for Public Affairs  
Annette Morant, Agency Follow-Up Coordinator  
Matthew Leopold, General Counsel  
David Fotouhi, Principal Deputy General Counsel  
Justina Fugh, Senior Counsel for Ethics/Alternate Agency Ethics Official  
Michael Benton, Audit Follow-Up Coordinator, Office of the Administrator  
Katharine Willey, Audit Follow-Up Coordinator, Office of General Counsel  
Regional Audit Follow-Up Coordinators, Regions 1–10  
Charles J. Sheehan, Deputy Inspector General  
Edward Shields, Associate Deputy Inspector General  
Eric Hanger, Deputy Counsel to the Inspector General  
Kevin Christensen, Assistant Inspector General for Audit and Evaluation  
Helina Wong, Assistant Inspector General for Investigations  
Stephanie Wright, Acting Deputy Assistant Inspector General for Management  
Rich Eyermann, Deputy Assistant Inspector General for Audit and Evaluation  
Rashmi Bartlett, Deputy Assistant Inspector General for Audit and Evaluation  
Christine El-Zoghbi, Deputy Assistant Inspector General for Audit and Evaluation  
Jennifer Kaplan, Deputy Inspector General for Congressional and Public Affairs  
Jeffrey Lagda, Congressional and Media Liaison, Office of Inspector General  
Tia Elbaum, Congressional and Media Liaison, Office of Inspector General

**From:** [Bennett, Angela](#)  
**To:** [Jackson, Ryan](#)  
**Cc:** [Trefry, John](#)  
**Subject:** Meeting Last Week on Swackhamer Testimony  
**Date:** Monday, October 7, 2019 3:44:23 PM

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Ryan,

Thank you for the opportunity to discuss the Swackhamer testimony issue with you last week. I wish to clarify one point. My notes indicate that when we asked you **“From whom did you receive a copy of the testimony?”**, your answer was: **“Will I say where I got it from? No.”** I would like to confirm that this was your answer to this question.

Angela

*Angela Bennett*

Project Manager  
US EPA – OIG  
Office of Audits and Evaluations  
Forensics Directorate  
[bennett.angela@epa.gov](mailto:bennett.angela@epa.gov)  
404.562.9844 (w)  
404.217.2045 (c)

## Attachment D

**From:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>

**Sent:** Monday, October 21, 2019 10:07 AM

**To:** Benevento, Douglas <[benevento.douglas@epa.gov](mailto:benevento.douglas@epa.gov)>; Trefry, John <[Trefry.John@epa.gov](mailto:Trefry.John@epa.gov)>; Bennett, Angela <[Bennett.Angela@epa.gov](mailto:Bennett.Angela@epa.gov)>

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**Subject:** RE: Non-responsiveness of Chief of Staff to OIG Audit Question - Project No. OA&E-FY19-0313

Happy to. I actually met for thirty minutes with John, Angela, and team where they advised me they were investigating this as a whistleblower matter and wanted to know my training in whistleblower matters. And I'm glad I get the opportunity to explain this in writing because it will be part of the Agency's response to Mr. Trefry's report. In fact, I'm really looking forward to writing that response.

In that 30 minute session, I provided my training and provided them with emails showing how I worked to try to have Administrator Pruitt issue a whistleblower memo, and how that I worked to provide Administrator Wheeler a whistleblower memo which he issued. I wanted to let them know and demonstrate that I take whistleblower cases seriously. I received eye rolls from both Angela and a sigh from John.

However, I advised them that this was not a whistleblower matter. Instead, this is a situation where an individual was apparently angry or frustrated with an Agency decision. This simply was the decision. In the Spring of 2017, the Acting Assistant Administrator for the Office of Research and Development sent the AO a package of 46 individuals it wanted reappointed to the Board of Scientific Counselors for a second three year term to run through the Spring of 2020 (nearly the entire first term of President Trump). We chose instead to open the competition for these seats to the general public instead of rubber stamping 46 reappointments. We asked for applicants including the current incumbents in the Federal Register. This is a similar process we conducted for other boards like the Science Advisory Board and the Clean Air Scientific Advisory Committee. In fact, when we opened up competition for these three boards alone (BOSC, SAB, and CASAC), EPA received 700 applicants for about 100 positions. We believe this was a good thing. For the BOSC, by June of 2017, of those original 46 positions, 37 reapplied, 27 were reappointed, 10 were not reappointed. By the end of the year, 43 new and additional members were appointed to the BOSC, and 11 BOSC members were in the middle of their terms. I provided the attached chart to John, Angela, and the team so that it would make it easy for them.

The individual that was angry was invited to testify before a Congressional subcommittee about EPA's relationship with the states. She testified in May 2017. She testified on a panel with Director Cabrera and Director Keogh. She was and is not a state DEQ director. She was the chair of BOSC. She apparently advised the Acting AA for ORD she was testifying. However, he never informed OCIR she was testifying. Apparently he didn't like the Agency decision either. I mean the AO just complicates everyone's jobs anyway, right? Just kind of an annoyance. The individual was in the news in late April, early May talking about EPA firing scientists. However, by the time she testified she was not aware of what ultimately occurred in June 2017. So, knowing what she was already saying, I tried to contact the individual before her appearance before Congress in May 2017. She refused to contact me so I provided her information by email on what were actually doing with the FACAs and other board. What we were doing at EPA was inconvenient for her testimony. I informed John, Angela, and company that my job is to manage staff whether its employees, contractors, or volunteer FACA members, and if I have a good reason to believe they are purposefully doing something they know to be incorrect my job is to try to correct that. And that's what I tried to do in this case. I also informed them that when the individual did not get back with me I did see a copy of her testimony. That is part of my job as well, and I am not going to involve others or point fingers in doing my job whether John, Angela, or whoever else agrees or not. They already have my answers to their questions.

I'm sorry this was misrepresented to you. Welcome to Washington.

Ryan.



## Timeline of BOSC Reappointments and New Members

- January 2017: Gina McCarthy signed invitation letters, with terms start dates of January 27, 2017, for:
  - 1 EC member; 2 HS members; 1 A-E member; 1 SHC member
  - Three invitees completed their HR paperwork and were onboarded prior to the transition.
  - Two invitees (1 HS and 1 SSWR member) were not onboarded because their paperwork was late and was impacted by the hiring freeze.
- Spring 2017: ORD submitted a membership package to reappoint 46 members.
  - This package was not signed
  - The package included requests to reappoint 11 EC members; 5 HS members; 9 A-E members; 6 CSS members; 6 SSWR members; and 9 SHC members.
- May 2017: ORD published an FRN requesting nominations for new BOSC applicants
- June 2017: ORD received applications for new BOSC members
  - Of the 46 members up for renewal in the spring of 2017, 37 reapplied
  - Of the 37 who reapplied, 27 were reappointed and 10 were not reappointed
- October 2019: ORD developed a membership package with recommendations for new appointments to the BOSC.
- December 2017: The Administrator sent invitation letters to new BOSC members to begin their terms on December 29, 2017. Thus, the BOSC was reconstituted with:
  - 27 reappointed members
  - 43 new members
  - 11 ongoing members
- July 25, 2018:
  - 1 EC member was reappointed
  - 2 EC members were not reappointed
- December 9, 2018: 2 new members were added to the HS subcommittee.
- March 16, 2019: 4 members were reappointed to the CSS subcommittee.
- ORD is working towards staggering BOSC terms so only 1/3 of members terms expires each year.
- Current BOSC membership:

|          |   |
|----------|---|
| EC       | 16  |
| A-E      | 13 (includes 3 EC members)                      |
| CSS-HHRA | 18 (includes 2 EC members)                      |
| HS       | 17 (includes 3 EC members and 1 not on-boarded) |
| SHC      | 13 (includes 3 EC members)                      |
| SSWR     | 19 (includes 4 EC members)                      |
| Total    | 80  |

## **BOSC Meetings by Committee**

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Air and Energy

- November 13-14, 2018
- March 22, 2019

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Homeland Security

- December 12-14, 2018
- March 19, 2019

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Sustainable and Healthy  
Communities

- April 2-3, 2019

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Chemical Safety for  
Sustainability

- April 10-12, 2019
- May 10, 2019

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Safe and Sustainable Water  
Resources

- April 23-24, 2019
- May 21, 2019

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Executive Committee

- June 27-28, 2019

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**From:** Trefry, John <[Trefry.John@epa.gov](mailto:Trefry.John@epa.gov)>  
**Sent:** Wednesday, October 16, 2019 4:25 PM  
**To:** Benevento, Douglas <[benevento.douglas@epa.gov](mailto:benevento.douglas@epa.gov)>  
**Subject:** Non-responsiveness of Chief of Staff to OIG Audit Question - Project No. OA&E-FY19-0313

Mr. Benevento:

I am bringing to your attention Mr. Ryan Jackson's non-responsiveness to a question posed to him during an Office of Inspector General (OIG) audit.

On August 29, 2019, the OIG initiated an audit based on a congressional request expressing concerns that the EPA obtained advance access to testimony by an environmental science and policy expert before the House Committee on Science, Space and Technology on May 23, 2017. [See Attachment A]. One objective of the audit is to determine how the agency obtained a copy of the witness's testimony prior to the congressional hearing. As the attached project notification memorandum to your predecessor made clear: "[T]he OIG is authorized by the Inspector General Act of 1978, as amended, to have timely access to personnel and all materials necessary to complete its objectives. We will request that you resolve the situation if an agency employee or contractor refuses to provide requested records to the OIG or otherwise fails to cooperate with the OIG. We may report unresolved access matters to the Administrator and include the incident in the Semiannual Report to Congress." As you can see, on September 11, 2019, Mr. Jackson, who was cc'd on the OIG's notification email of August 29, 2019, replied to all who were sent the notification: "When would you like to talk to me about this? I'm eager." [See Attachment B].

The OIG audit team met with Mr. Jackson on October 3, 2019 and he stated that he received an advance copy of the testimony. However, he would not identify the source. On October 7, 2019, Ms. Angela Bennett followed up with an email asking him to clarify his response [See Attachment C]. To date, we have not received a response to the email.

The IG Act authorizes the Inspector General: (1) "to have timely access to all records ... documents ... or other materials ... which relate to the programs and operations with respect to which that Inspector General has responsibilities under this Act." See 5 U.S.C. app. § 6. This authority could not be clearer: Mr. Jackson has a duty -- without terms or conditions -- to fully cooperate with the audit.

The Administrator's August 8, 2018 email message to all EPA employees, *Cooperating with the Office of Inspector General to Ensure the U.S. Environmental Protection Agency is Fulfilling the Public's Trust*, reaffirmed the IG Act's explicit mandate: "It is imperative and expected that

agency personnel provide the OIG with access to personnel ... or other information or material that is needed by the OIG to accomplish its mission.”

The OIG has various options available in cases of non-cooperation. “[W]hen information or assistance requested ... is, in the judgment of an Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the head of the establishment involved without delay.” 5 U.S.C. app. § 6(c)(2). The OIG can elect to report refusals to cooperate with an OIG audit to the Congress at any time. See 5 U.S.C. app. § 4(a)(5). Lastly, in the case of “particularly serious or flagrant problems, abuses or deficiencies,” the IG shall report the problem to the head of the agency, who in turn is required to transmit that report, along with any comments, to the appropriate committees or subcommittees of Congress within seven calendar days. See 5 U.S.C. app. § 5(d).

We are giving you an opportunity to direct Mr. Jackson to fully cooperate with the audit and provide the requested information, before we consider exercising one or more of the above options. Mr. Jackson should fully respond to the question posed to him on October 3rd by the audit team—“from whom did you get the testimony?” His written response should be sent to me no later than the close of business on October 18, 2019.

Thank you for your attention to this matter.

John Trefry  
Director, Forensic Audits  
EPA OIG Office of Audit and Evaluation  
(202) 566-2474

**From:** [Jackson, Ryan](#)  
**To:** [Ulmer, Craig](#)  
**Cc:** [Sheehan, Charles](#); [Leopold, Matt \(OGC\)](#)  
**Subject:** Re: OIG Interview Request  
**Date:** Wednesday, October 09, 2019 4:40:51 PM

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Well, then I am not meeting with you or your staff if you will not tell me the subject of the conversation so that I may prepare for it.

The fact that you cannot and will not provide the subject of what you want to meet with me about is unprofessional, and I'm not participating.

Unless you have further substantive information, do not contact me further.

Ryan Jackson  
Chief of Staff  
U.S. EPA  
202-564-6999

On Oct 9, 2019, at 4:23 PM, Ulmer, Craig <[Ulmer.Craig@epa.gov](mailto:Ulmer.Craig@epa.gov)> wrote:

Ryan,

As you know, on July 24, 2019, you were interviewed by OIG Special Agents concerning a matter under investigation and you terminated that interview before it could be completed. As a result, my office has made efforts to interview you a second time. This second interview is necessary for an investigation of employee misconduct that is fully within the jurisdiction of the OIG. Like all EPA employees, you have a duty to cooperate with an OIG investigation. Although you have asked to be informed about the subject matter, you are not entitled to advance notice of the purpose of the interview or the topics that may be covered. That said, you may reasonably expect that the same or similar topic(s) discussed during the interview of July 24, 2019 will be covered.

To accommodate your schedule as much as possible, my office has tried several times over the past three weeks to work with your scheduler to arrange a date and time that would be convenient for you. We have communicated with your scheduler on multiple dates, including on September 25, October 1, and October 2. But despite these efforts we have yet to receive a date and time.

Given the need for the OIG to expeditiously conclude its investigation, please contact me no later than the close of business on October 10, 2019, to schedule an interview no later than October 18, 2019. Please allot 2 hours for the interview. We anticipate this will be a sufficient amount of time to obtain the relevant information; however, if necessary, the OIG may need to conduct further interviews.

The investigation is administrative in nature only. Accordingly, you will be provided and asked to sign a “Kalkines” advice of rights warning form prior to the start of the interview. The Kalkines warning explains that you have a duty to answer our questions or you could face disciplinary proceedings if you refuse to answer or fail to reply fully and truthfully.

As for your concerns that you were “set up” during the July 24<sup>th</sup> interview, I categorically deny these characterizations and stand by the professionalism of the OIG Special Agents who met with you on July 24th. Moreover, I should note that you were given the opportunity to follow up with any clarification you believed necessary, but you have not done so. At any time, should you feel that you need to clarify or provide additional documents or information regarding any of the matters discussed at the July 24 interview or any other future interview, you are permitted to do so.

Craig W. Ulmer  
Deputy Assistant IG for Investigations  
Environmental Protection Agency - OIG

Desk: 202-566-0943  
Cell: 202-480-7603  
e-mail: [ulmer.craig@epa.gov](mailto:ulmer.craig@epa.gov)

**To report fraud, waste or abuse impacting EPA, please contact the EPA OIG Hotline via telephone numbers 202-566-2476 or 888-546-8740, fax 202-566-2599, or email at [oig\\_hotline@epa.gov](mailto:oig_hotline@epa.gov)**

**To report threats directed against EPA employees, contractors, facilities and assets, please email [report.EPA.threats@epa.gov](mailto:report.EPA.threats@epa.gov)**

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**From:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Sent:** Tuesday, October 08, 2019 12:04 PM  
**To:** Ulmer, Craig <[Ulmer.Craig@epa.gov](mailto:Ulmer.Craig@epa.gov)>; Sheehan, Charles <[Sheehan.Charles@epa.gov](mailto:Sheehan.Charles@epa.gov)>  
**Cc:** Leopold, Matt (OGC) <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>  
**Subject:** Re: OIG Interview Request

If you would like to tell me specifically what it is about, I'll be glad to schedule it.

However, the last time this occurred, your staff showed up at my office unannounced and demanded to speak with me despite my assistant repeatedly advising your staff I was not available because I was in the Administrator's office. Your staff demanded that my assistant even call me to get me to speak to them despite me being in the Administrator's office. Frankly, you staff were rude to my assistant purposefully trying to intimidate him.

I set up an appointment the next day with your staff. However, despite beginning the interview where I was asked to contribute as a witness in a matter, your staff turned to questioning me as clearly a target of an investigation. In fact the two matters were in no way related and was a bait and switch situation.

If your staff want to talk with me on any matter where I am interviewed as a witness or otherwise you will provide me with what you intend to explore so that I can prepare. In the matter in which I was questioned previously as clearly a target of an investigation I was set up with questions on a matter more than 2 years old where your staff intended to try to get me to provide them with incorrect or inconsistent information. It was highly unprofessional.

I have learned from that situation. So don't tell me that I'm simply not getting back with you. Sharnett has asked the subject of the matter and until I receive it and have the opportunity to prepare I'm not meeting with you or your staff.

Ryan Jackson  
Chief of Staff  
U.S. EPA  
202-564-6999

On Oct 8, 2019, at 11:35 AM, Ulmer, Craig <[Ulmer.Craig@epa.gov](mailto:Ulmer.Craig@epa.gov)> wrote:

Ryan,  
Good morning. I am reaching out to you to set up a time and date when you can meet so that my office can interview you pertaining to an ongoing administrative investigation. Please contact me by e-mail or telephone no later than close of business on October 10, 2019 to schedule a time for an interview.  
As background, my office spoke to your scheduler, Ms. Sharnett Willis, on September 25<sup>th</sup>, to arrange a meeting, but since that time the OIG has not heard back about your availability.  
If you have any questions, please don't hesitate to contact me.  
Thank You,  
Craig  
Craig W. Ulmer  
Deputy Assistant IG for Investigations  
Environmental Protection Agency - OIG

Desk: 202-566-0943  
Cell: 202-480-7603  
e-mail: [ulmer.craig@epa.gov](mailto:ulmer.craig@epa.gov)

To report fraud, waste or abuse impacting EPA, please contact the EPA  
OIG Hotline via telephone numbers 202-566-2476 or 888-546-8740, fax  
202-566-2599, or email at [oig\\_hotline@epa.gov](mailto:oig_hotline@epa.gov)

To report threats directed against EPA employees, contractors, facilities  
and assets, please email [report.EPA.threats@epa.gov](mailto:report.EPA.threats@epa.gov)



**From:** Wong, Helina <[wong.helina@epa.gov](mailto:wong.helina@epa.gov)>  
**Sent:** Tuesday, October 15, 2019 4:54 PM  
**To:** [REDACTED] wheeler [REDACTED] Benevento, Douglas  
<[benevento.douglas@epa.gov](mailto:benevento.douglas@epa.gov)>  
**Cc:** Leopold, Matt (OGC) <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>  
**Subject:** Refusal of Chief of Staff to Submit to OIG Investigative Interview  
**Importance:** High

Dear Administrator Wheeler and Associate Deputy Administrator Benevento:

I am bringing to your attention a matter of deep concern. As you see from the attached, Chief of Staff Ryan Jackson has -- first with delay and now in absolute and final terms -- refused to submit to an interview in an ongoing OIG investigation.

Under the IG Act, "whenever information or assistance requested ... is, in the judgment of an Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the head of the establishment involved without delay." 5 U.S.C. app. § 6(c)(2). Because Mr. Jackson reports to you and Associate Deputy Administrator Benevento, I am bringing this matter to your attention and request that you direct Mr. Jackson to make himself immediately available to be interviewed and to henceforth fully cooperate with OIG investigations.

The IG Act authorizes the Inspector General: (1) "to have timely access to all records ... documents ... or other materials ... which relate to the programs and operations with respect to which that Inspector General has responsibilities under this Act;" and (2) "to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned by [the IG] Act." See 5 U.S.C. app. § 6. These authorities could not be more clear: OIG special agents are authorized to interview Mr. Jackson, and Mr. Jackson has a duty -- without terms or conditions -- to fully cooperate with the investigation.

Administrator Wheeler's EPA-wide email message to all EPA employees ("Cooperating with the Office of Inspector General to Ensure the U.S. Environmental Protection Agency is Fulfilling the Public's Trust," issued August 8, 2018) reaffirmed the IG Act's explicit mandate. "It is imperative and expected that agency personnel provide the OIG with access to personnel ... or other information or material that is needed by the OIG to accomplish its mission."

We can elect to report refusals to cooperate with an OIG investigation to the Congress at any time. See 5 U.S.C. app. § 4(a)(5). We are, nonetheless, giving you an opportunity to direct Mr. Jackson's prompt, full cooperation with the OIG. Due to already considerable delay, we request that the interview take place (with at least two hours set aside, although the interview could conclude more quickly) no later than 3 PM on October 18, 2019. Mr. Jackson should contact Mr. Ulmer at (202) 566-0943 to schedule the interview.

Lastly, the IG Act provides that in the case of “particularly serious or flagrant problems, abuses or deficiencies,” the IG shall report the problem to the head of the agency, who in turn is required to transmit that report, along with any comments, to the appropriate committees or subcommittees of Congress within seven calendar days. See 5 U.S.C. app. § 5(d). If Mr. Jackson has not submitted to the interview by the requested time, the Deputy IG will consider invoking this “Seven Day Letter” provision of the IG Act as early as October 21, 2019.

Thank you for your attention to this matter.  
Helina

Helina P. Wong, CFE  
Assistant Inspector General  
Office of Investigations  
U.S. Environmental Protection Agency Office of Inspector General  
1200 Pennsylvania Avenue NW (MC 2431T)  
Washington, DC 20460  
Phone: 202-566-2841

**From:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Sent:** Monday, October 21, 2019 5:02 PM  
**To:** Ulmer, Craig <[Ulmer.Craig@epa.gov](mailto:Ulmer.Craig@epa.gov)>  
**Cc:** Sheehan, Charles <[Sheehan.Charles@epa.gov](mailto:Sheehan.Charles@epa.gov)>; Leopold, Matt (OGC) <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>;  
Benevento, Douglas <[benevento.douglas@epa.gov](mailto:benevento.douglas@epa.gov)>  
**Subject:** RE: OIG Interview Request

Craig, I understand that you continue to request a time for me to speak again with your staff.

I have repeatedly advised you I will schedule an appointment with you when I know the topic and have the opportunity to prepare. I really do not believe this is too much to ask and anything less is unprofessional. Further, you dismissed without consideration my complaints about how your staff behaved toward my staff.

Frankly, I have already met with your staff for an hour. If you would like a second interview send me your questions in writing, and I will respond in writing.