



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

OFFICE OF
INSPECTOR GENERAL

August 15, 2022

MEMORANDUM

SUBJECT: Notification of Evaluation:
The EPA's Handling of Criminal Discovery
Project No. OSRE-FY22-0145

FROM: Patrick Gilbride, Director *Patrick D. Gilbride*
Implementation, Execution, and Enforcement
Office of Special Review and Evaluation

TO: Lawrence Starfield, Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

The Office of Inspector General for the U.S. Environmental Protection Agency plans to begin an evaluation. This evaluation is included in the OIG's [Fiscal Year 2022 Oversight Plan](#). This evaluation also addresses the following fiscal year 2022 [top management challenge](#) for the Agency: enforcing environmental laws and regulations.

The OIG's objective is to determine whether the EPA's collection, retention, and production of mandatory criminal discovery material adhered to requirements. The OIG plans to conduct work with staff and managers in the Office of Enforcement and Compliance's Office of Criminal Enforcement, Forensics, and Training. The evaluation 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 evaluation include identifying and correcting procedural problems that may increase risks to the Agency, and its personnel, that result from violating rights of discovery in criminal cases.

We will contact you to arrange a mutually agreeable time to discuss our objective. We would also be particularly interested in any areas of concern that you may have. We will answer any of your questions about the evaluation process, reporting procedures, methods used to gather and analyze data, and what we should expect of each other during the evaluation. Throughout the evaluation, we will provide updates on a regular basis.

To expedite our evaluation, please be ready to provide the following information before or at the entrance conference:

- A list of all closed EPA criminal cases since 2016 that were referred to and accepted for prosecution by the U.S. Department of Justice.
- EPA policies and procedures relevant to the collection, retention, and production of criminal discovery, including those relevant to interviews, evidence handling, and investigative reports.

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. Similarly, EPA Manual 6500, *Functions and Activities of the Office of Inspector General* (1994), requires that each EPA employee cooperate with and fully disclose information to the OIG. Also, Administrator Michael S. Regan, in an April 28, 2021 email message to EPA employees, conveyed his “expectation that EPA personnel provide OIG timely access to records or other information” and observed that “full cooperation with the OIG is in the best interest of the public we serve.” We will request that you immediately resolve the situation if an Agency employee or contractor refuses to provide requested materials 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*.

We will post this memorandum on our public website at www.epa.gov/oig.

cc: Janet McCabe, Deputy Administrator
Dan Utech, Chief of Staff, Office of the Administrator
Jon Monger, Associate Deputy Administrator
Wesley J. Carpenter, Deputy Chief of Staff, Office of the Administrator
Henry Barnet, Director, Office of Criminal Enforcement, Forensics, and Training, Office of Enforcement and Compliance Assurance
David A. Bloom, Deputy Financial Officer
Susan Perkins, Agency Follow-Up Coordinator
Andrew LeBlanc, Agency Follow-Up Coordinator
José Kercado, Backup Agency Follow-Up Coordinator
Lindsay Hamilton, Associate Administrator for Public Affairs
Lance McCluney, Director, Office of Administrative and Executive Services, Office of the Administrator
Gwendolyn Spriggs, Audit Follow-up Coordinator, Office of Enforcement and Compliance Assurance
Regional Audit Follow-Up Coordinators, Regions 1–10
Sean W. O’Donnell, Inspector General
Nicole N. Murley, Acting Deputy Inspector General
Benjamin May, Counsel to the Inspector General
Kellie J. Walker, Chief of Staff, Office of Inspector General
Katherine Trimble, Assistant Inspector General for Audit
Paul H. Bergstrand, Assistant Inspector General for Special Review and Evaluation
Jason Abend, Assistant Inspector General for Investigations
Tom Collick, Deputy Counsel to the Inspector General
Erin Barnes-Weaver, Deputy Assistant Inspector General for Evaluation
James Hatfield, Associate Deputy Assistant Inspector General for Audit
Susan Barvenik, Associate Deputy Counsel to the Inspector General
Jennifer Kaplan, Deputy Assistant Inspector General for Congressional and Public Affairs
Lori Hoffman, Congressional and Media Liaison, Office of Inspector General