United States Senate

WASHINGTON, DC 20510

April 10, 2018

The Honorable Arthur A. Elkins, Jr.
Inspector General
U.S. Environmental Protection Agency
1301 Constitution Avenue NW, Room 3102
Washington, DC 20460

Dear Mr. Elkins,

We write to share our deep concern over Administrator Pruitt's reported use of multiple email accounts. We respectfully request that you open an investigation into whether he is complying with the Federal Records Act and EPA's Records Management Policy[1] when using these accounts. Our offices have received information indicating that the Administrator uses three different secret epa.gov email addresses in addition to his official email address: Pruitt.Scott@epa.gov. It is imperative that there be an investigation into whether the agency has properly searched these email addresses for responsive documents in response to Freedom of Information Act (FOIA) requests.

Since early 2017, the EPA has received thousands of Freedom of Information Act (FOIA) requests from the public asking for email records, including those from Administrator Pruitt. With the use of multiple secret email accounts or addresses, we are concerned that the Office of the Administrator may be withholding information from the public in violation of valid FOIA requests.

In 2013, your office recommended that the agency "develop and implement oversight processes to update agency guidance on the use of private email accounts, train employees and contractors on records management responsibilities, strengthen relationships between federal records preservation and employee out processing, and deliver a system to create federal records from the new system.[2]" These steps are critical to maintaining transparency and ensuring that all public servants, including the Administrator, comply with federal regulations and recordkeeping responsibilities.

In December 2017, EPW staff was informed that the agency maintains three email addresses for the Administrator—one for public comment (Pruitt.Scott@epa.gov), one for scheduling, and one for "communicating"—and that all three addresses had been searched for documents responsive

[1] https://www.epa.gov/irmpoli8/records-management-policy-define-epas-records-management-responsibilities
[2] USEPA Office of Inspector General. "Congressionally Requested Inquiry Into the EPA's Use of Private and Alias Email Accounts." EPA Report No. 13-P-0433, September 26, 2013.

to FOIA searches. Following that December 2017 disclosure, we have been informed that the Administrator has at least four, not three, epa.gov email addresses. Further, we have learned that not all of these addresses may have been queried for responsive documents as FOIA requests are processed at the agency.

We request that you initiate an investigation into Administrator Pruitt's use of multiple secret email addresses. Please consider the following:

1. How many email addresses has Administrator Pruitt used since taking office, and on what date(s) was each address established?

2. Have any private email accounts been used to conduct government business by the Administrator, or has he directed his staff to use private emails to conduct business?

3. Have each of the email addresses and accounts used by the Administrator been indexed and searched consistent with Freedom of Information Act requirements, starting on the date the email address was created?

4. Have all the email accounts being used by Administrator Pruitt followed all applicable recordkeeping requirements?

Thank you very much for your attention and prompt response to this very important matter. If you have any questions or concerns, please contact Adrian Deveny on Senator Merkley's staff at (202) 224-3753 or Michal Freedhoff on the Democratic Staff of the Environment and Public Works Committee at (202) 224-8832.

Respectfully,

Jeffrey A. Merkley
United States Senator

Thomas R. Carper
United States Senator