



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

**JUN 20 2013**

THE INSPECTOR GENERAL

The Honorable Ed Whitfield  
Chairman  
Subcommittee on Energy and Power  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

This is the Office of Inspector General's response to your letter dated June 6, 2013, to the U.S. Environmental Protection Agency's Acting Administrator Robert Perciasepe that included questions for the record relative to the EPA's budget hearing held on May 16, 2013. The OIG is responding directly to you about our activities.

I appreciate your interest in the work of the OIG. If you or your staff should have any questions on this or any other matter, please contact Alan Larsen, counsel to the inspector general, at (202) 566-2391.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arthur A. Elkins Jr.", written in black ink.

Arthur A. Elkins Jr.

Attachment

HOUSE COMMITTEE ON ENERGY AND COMMERCE  
SUBCOMMITTEE ON ENERGY AND POWER  
SUBCOMMITTEE ON ENVIRONMENT AND THE ECONOMY

**“The Fiscal Year 2014 Environmental Protection Agency Budget”**

Questions for the Record, Mr. Robert Perciasepe, Acting Administrator  
U.S. Environmental Protection Agency

Questions submitted by Ed Whitfield and John Shimkus, Chairmen

**The Honorable Ed Whitfield**

- 1) **Concerns have recently been raised that the EPA has engaged in a pattern of granting Freedom of Information Act (FOIA) fee waivers to environmental groups while denying fee waivers to conservative groups, and we understand that you have contacted the agency's Inspector General regarding conducting a programmatic audit to address these concerns.**
  - a. **What is the status of this audit?**
  - b. **What will be the scope of the audit?**
  - c. **When will the audit be completed?**

The Office of Inspector General plans to begin preliminary research on the U.S. Environmental Protection Agency's Freedom of Information Act fee-waiver process. We plan to determine whether the EPA:

1. Implements the FOIA fee-waiver provisions in accordance with the Code of Regulations at 40 CFR Section 2.107 and EPA policies and procedures.
2. Adheres to timely and unbiased treatment of fee-waiver requests.
3. Tracks the elements of fee-waiver requests to demonstrate timely and unbiased treatment.

During the preliminary research phase, we plan to obtain information to address the above questions, which are subject to change as we conduct our work. We plan to review documents, analyze data, and interview managers and staff from the EPA's Office of Environmental Information. We will inform the committee on the expected completion timeframes.

**The Honorable Joe Barton**

- 1) **In your testimony, you indicated that you have contacted the Inspector General regarding a programmatic audit to address the recent allegations of political bias in EPA's awarding of fee waivers for Freedom of Information Act requests.**
  - a. **Has EPA submitted a formal request for an audit?**
  - b. **Has the Inspector General agreed to perform the audit?**
  - c. **What will be the nature and scope of the Inspector General's review and audit?**

**d. Will you share the findings of the Inspector General audit with Members of this Committee and the public?**

The OIG received a written audit request on May 22, 2013. We plan to begin preliminary research on the U.S. Environmental Protection Agency's Freedom of Information Act fee-waiver process. We plan to determine whether the EPA:

1. Implements the FOIA fee-waiver provisions in accordance with the Code of Regulations at 40 CFR Section 2.107 and EPA policies and procedures.
2. Adheres to timely and unbiased treatment of fee-waiver requests.
3. Tracks the elements of fee-waiver requests to demonstrate timely and unbiased treatment.

During the preliminary research phase, we plan to obtain information to address the above questions, which are subject to change as we conduct our work. We plan to review documents, analyze data, and interview managers and staff from the EPA's Office of Environmental Information. We will post the final report to the OIG's public website.