

PATRICK J. LEAHY, VERMONT, CHAIRMAN

HERB KOHL, WISCONSIN  
DIANNE FEINSTEIN, CALIFORNIA  
CHARLES E. SCHUMER, NEW YORK  
RICHARD J. DURBIN, ILLINOIS  
SHELDON WHITEHOUSE, RHODE ISLAND  
AMY KLOBUCHAR, MINNESOTA  
AL FRANKEN, MINNESOTA  
CHRISTOPHER A. COONS, DELAWARE  
RICHARD BLUMENTHAL, CONNECTICUT

CHARLES E. GRASSLEY, IOWA  
ORRIN G. HATCH, UTAH  
JON KYL, ARIZONA  
JEFF SESSIONS, ALABAMA  
LINDSEY O. GRAHAM, SOUTH CAROLINA  
JOHN CORNYN, TEXAS  
MICHAEL S. LEE, UTAH  
TOM COBURN, OKLAHOMA

**United States Senate**

COMMITTEE ON THE JUDICIARY  
WASHINGTON, DC 20510-6275

BRUCE A. COHEN, *Chief Counsel and Staff Director*  
KOLAN L. DAVIS, *Republican Chief Counsel and Staff Director*

July 19, 2012

**Via Electronic Transmission**

Lisa P. Jackson  
Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Jackson:

During the course of a recent investigation, my office was made aware of what appear to be internal files available on the Internet through a publicly accessible server operated by Quality Associates. Quality Associates is a government contractor that archives and stores documents for various government agencies. Included on the server as of Friday afternoon were what appeared to be files for the Environmental Protection Agency (EPA). I wanted to make sure that you were aware that these files were publicly available. While nothing in these files appears to be sensitive, sensitive information may have been accessible in the past.

A group of FDA documents available on the server were reported over the weekend by *The New York Times*. Since that report, Quality Associates has removed all documents. However, Quality Associates responded to my inquiry on Monday, July 16, 2012, stating that it had not done anything other than follow its client's directions. This raises questions regarding other contracts that Quality Associates has with federal agencies, such as EPA, and what other internal documents from various agencies were available for public download.

In light of this information, please answer the following questions by August 3, 2012:

- 1) Please provide EPA's contract with Quality Associates, including the total dollar amount of all contracts.
- 2) When contracting with third parties, what requirements does EPA have in place to protect sensitive government information from getting out into the public? What policies are in place at EPA to protect sensitive information entrusted to third party contractors? Please explain in detail.
- 3) Was EPA aware that any of its documents were publicly available from Quality Associates? If so, what actions did EPA take to address this situation?

- 4) How many documents does Quality Associates have access to at the EPA?
- 5) To the extent that internal EPA documents may have been publicly available on the Quality Associates server, how long were such documents available?
- 6) How many other documents in addition to those available Friday, if any, were previously available from the Quality Associates server?
- 7) Have there been privacy breaches in the past associated with Quality Associates?
- 8) Does the EPA monitor any employee email accounts with software that captures keystrokes and screen shots? If so, please provide the circumstances surrounding the monitoring and what steps you have taken to ensure that any such monitoring does not capture confidential communications with Congress, the Office of Special Counsel, the Office of Inspector General, or private attorneys.

Thank you in advance for your prompt attention to these matters. Should you have any questions, please contact Brian Downey or Erika Smith of my staff at (202) 224-5225.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Judiciary