

United States Senate

WASHINGTON, DC 20510

May 18, 2021

VIA ELECTRONIC TRANSMISSION

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20004

Dear Administrator Regan:

On April 14, 2021, you sent an e-mail to your staff at the U.S. Environmental Protection Agency (EPA, or Agency) encouraging them to volunteer for deployments to address the crisis at the southern border by assisting the Department of Health and Human Services (HHS) with the processing and care of unaccompanied alien children (UAC).¹ Your e-mail referenced an earlier message from the EPA Chief of Staff, Dan Utech, announcing the Agency's support of staff detail assignments of up to 120 days.² Both announcements are consistent with a March 25, 2021 memorandum released by the Office of Personnel Management (OPM), in partnership with HHS, asking federal government heads to encourage supervisors to allow interested staff to volunteer for detail assignments.³

Even before your email was sent, "more than 100 EPA employees [had] already stepped forward to serve" and others had either already deployed or were planning to deploy in the coming weeks.⁴ It is unclear how many more EPA staff have come forward following your email and what their role in this effort entails.

Congress has provided annual budgetary appropriations for EPA at certain levels that allow for the staffing that EPA requires to fulfill its statutory missions under a variety of environmental statutes. Mr. Utech's e-mail mentions that "[d]etails will involve contact with migrant children," but gives no indication that EPA staff members who are deployed would be focused on implementing duties under EPA's core implementing statutes.⁵ Your call for EPA staff deployments to HHS comes in the same month that you testified to Congress that EPA is short-staffed.⁶ In your testimony, you stated, "EPA lost nearly 1,000 dedicated staff over the past four years, and it has affected the Agency's ability to carry out its core duties and functions to protect public health and the environment."⁷

¹ Kelsey Brugger, *EPA staffers head to border to aid unaccompanied minors*, E&E NEWS (April 15, 2021), <https://www.eenews.net/stories/1063730103> (providing copies of emails).

² *Id.*

³ Memorandum from Kathleen M. McGettigan, Acting Director, U.S. Office of Personnel Management, *Detail Opportunity: Information for Department/Agency Leadership* (Mar. 25, 2021), <https://www.chcoc.gov/content/detail-opportunity-information-departmentagency-leadership>; see also USA Jobs, *Job Listing: Field Program Specialist (Detail)*, <https://www.usajobs.gov/GetJob/ViewDetails/596318100>.

⁴ Brugger, *supra* note 1.

⁵ *Id.*

⁶ Testimony of Michael S. Regan, Administrator of the U.S. Environmental Protection Agency, Before the Senate Committee on Environment & Public Works (Apr. 28, 2021), https://www.epw.senate.gov/public/_cache/files/7/f/7f9fddac-f2fb-4f9b-ac26-37f3a808c167/80347ADF30CE0F79A33F0BD73AB5B489.04-28-2021-regan-testimony.pdf.

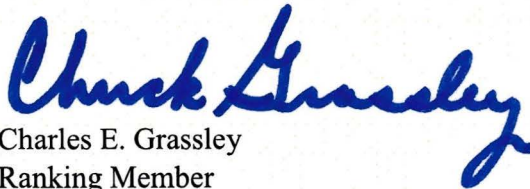
⁷ *Id.*

In order to clarify the scope of EPA's contribution to HHS's request for assistance and the extent to which staff deployments may affect the Agency's ability to carry out its mission, please respond to the following no later than June 1, 2021.

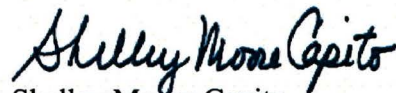
1. Please provide copies of all formal announcements sent to EPA staff regarding the HHS detail assignment opportunity.
2. Please provide the number of EPA staff that are currently, have been previously, or are scheduled to be detailed to HHS in association with the request for volunteers to assist in the care of UAC.
3. Please provide a list of the job positions, descriptions, and salaries for the EPA staff who have been accepted for staff deployments to assist HHS with the care of UAC, including the length of each detail assignment.
4. Please provide copies of all formal agreements between EPA and other federal agencies relating to any payment or reimbursement of EPA staff salaries during the detail assignment.
5. Is the EPA incurring any costs as a result of staff member deployments that are not fully covered by HHS? If so, please explain and provide all relevant amounts.
6. Please describe the impact of current and scheduled HHS detail assignments on EPA's normal workflow as well as its ability to carry out its statutory mission. If the Agency is hiring temporary staff or requiring permanent staff to log additional overtime, please describe the nature and extent of these arrangements and provide an accounting of all additional costs incurred.

Thank you for your attention to this important matter. Should you have questions, please contact Daniel Parker of Ranking Member Grassley's staff at 202-224-5225 or Travis Voyles of Ranking Member Capito's staff at 202-224-6174.

Sincerely,



Charles E. Grassley
Ranking Member
Senate Committee on the
Judiciary



Shelley Moore Capito
Ranking Member
Senate Committee on
Environment and Public Works