

United States Senate
WASHINGTON, DC 20510

January 9, 2024

VIA ELECTRONIC TRANSMISSION

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice

Dear Attorney General Garland:

According to a report of investigation issued by the Environmental Protection Agency (EPA) Office of Inspector General (OIG), during Dr. Katherine Lemos' time as the chairperson of the U.S. Chemical Safety Hazard Investigation Board (CSB), Dr. Lemos violated the Federal Travel Regulation (FTR), improperly calculated travel expenses, exceeded the statutory cap on expenses to furnish and redecorate her office without notice to Congress, violated the Federal Management Regulation, and violated the Government Employees Training Act and Office of Personal Management (OPM) regulations.¹ In total, the OIG identified \$97,835.79 that she improperly cost the taxpayer.²

On August 4, 2023, I sent a letter to CSB Chairperson Steve Owens asking what steps he had taken to seek repayment from Dr. Lemos to make the taxpayer whole.³ On August 18, 2023, Chairperson Owens responded that "[t]he CSB is in contact with both the Department of Justice [DOJ] and the Treasury Department's Bureau of Fiscal Services [BFS] regarding potential legal and administrative means to recoup the expenses identified in the report."⁴

¹ Environmental Protection Agency Office of Inspector General, Report No. 23-N-0020 *Report of Investigation: Katherine A. Lemos, Former Chairperson and Chief Executive Officer, U.S. Chemical Safety and Hazard Investigation Board*, (June 28, 2023), https://www.epa.gov/system/files/documents/2023-06/epaoig_20230628-23-N-0020_redacted.pdf.

² This amount reflects the impermissible expenses for travel from San Diego to Washington, D.C. (\$49,668.46 + \$5,163.54); her trip to Norfolk, Virginia (\$1,246.53); furniture and decoration in excess of the \$5,000 limit (\$22,057.26 - \$5,000); and personal training (\$24,700). This amount does not include any improper expenses from her Atlanta and Houston travels, which the OIG did not calculate.

³ Letter from Senator Charles Grassley, Ranking Member, Senate Budget Committee, to Steve Owens, Chairperson, U.S. Chemical Safety and Hazard Investigation Board, (Aug. 4, 2023) (on file with Comm. staff).

⁴ Letter from Steve Owens, Chairperson, U.S. Chemical Safety and Hazard Investigation Board, to Senator Charles Grassley, Ranking Member, Senate Budget Committee, (Aug. 18, 2023) (on file with Comm. staff).

On January 5, 2024, CSB provided me an update on the matter and said that its Office of General Counsel (OGC) “was advised by DOJ and BFS that there are no viable administrative or litigative means to successfully recover the funds identified in the OIG report from Dr. Lemos.”⁵

When taxpayer dollars are found to be improperly spent, there must be consequences. Accordingly, please explain in detail the basis for which DOJ determined there to be no administrative or litigative means to successfully recover the funds.

Thank you for your prompt attention to this matter. Should you have any questions, please contact Jace Pimentel of my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Budget

⁵ Letter from Steve Owens, Chairperson, U.S. Chemical Safety and Hazard Investigation Board, to Senator Charles Grassley, Ranking Member, Senate Budget Committee, (Jan. 5, 2024) (on file with Comm. staff).