

United States Senate  
WASHINGTON, DC 20510

May 30, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Michael Regan  
Administrator  
Environmental Protection Agency

Dear Administrator Regan:

On September 14, 2023, I sent you a letter requesting data regarding the Environmental Protection Agency's (EPA) ownership, purchase, and use of equipment, to include law enforcement and military-grade equipment, based on government Product Service Codes (PSCs).<sup>1</sup> My letter cited to a Government Accountability Office report that confirmed the ownership and use of some of that type of equipment.<sup>2</sup> On November 7, 2023, the EPA failed to answer any of my 23 questions, let alone produce any records.<sup>3</sup> Not only did EPA's letter fail to answer my questions, it also misinterpreted my letter.<sup>4</sup>

Specifically, EPA's letter claimed that "the examples in [my] letter are based on a misinterpretation of procurement data and include purchases from other EPA program offices for non-law enforcement purposes."<sup>5</sup> Clearly, EPA has made purchases of equipment that ought to have been included in its response.<sup>6</sup> Notably, my letter neither requested information regarding purchases from any specific EPA program office nor were my questions limited to law enforcement. Rather, my letter asked about EPA-wide ownership, and therefore use, of specific equipment classified under named PSCs irrespective of program office and requested records with respect to that equipment.

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<sup>1</sup> Letter from Senator Charles Grassley, Ranking Member, Senate Budget Committee, to Michael Regan, Administrator, U.S. Environmental Protection Agency, (September 14, 2023),

[https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_epa\\_-\\_military\\_equipment.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_epa_-_military_equipment.pdf).

<sup>2</sup> *Id.* See also United States Gov't Accountability Office, GAO-19-175 *Federal Law Enforcement Purchases and Inventory Controls of Firearms, Ammunition, and Tactical Equipment*, (Dec. 2018) at 29, 74-75,

<https://www.gao.gov/assets/gao-19-175.pdf>. In EPA's November 7, 2023, response it notes, "many items purchased by the Agency might appear to an external observer to be law enforcement-related when they are actually related to other work, such as emergency response activities performed by EPA to protect the environment and public health." Letter from Tim Del Monico, Associate Administrator, U.S. Environmental Protection Agency, to Senator Charles Grassley, Ranking Member, Senate Budget Committee, (Nov. 7, 2023), (on file with Comm. staff).

<sup>3</sup> Letter from Tim Del Monico, at note 2.

<sup>4</sup> My staff called and emailed the EPA requesting a call to discuss the EPA's response. However, the EPA has failed to return my staff's phone calls as well as failed to respond to multiple emails asking questions related to this and other matters. Emails on file with Comm. staff.

<sup>5</sup> Letter from Tim Del Monico, at note 2.

<sup>6</sup> *Id.* "All of the items, however, were appropriately purchased in accordance with EPA's statutory and regulatory authorities in furtherance of EPA's mission to protect human health and the environment."

For example, concerning question seven, EPA mentioned, “one item that was appropriately coded in the Federal Procurement Data System within the category ‘night vision equipment, emitted and reflected radiation,’ was in fact not night vision goggles, as your letter indicates, but rather an electronic personal dosimeter.”<sup>7</sup> My letter asked, “[h]ow much equipment does EPA own that is classified in the PSC Manual as Code 5855, ‘Night Vision Equipment, Emitted and Reflected Radiation?’”<sup>8</sup> Accordingly, my question didn’t explicitly reference “night vision goggles” but instead requested data regarding a broader PSC – again, data the EPA failed to provide. In fact, nowhere in my letter is “night vision goggles” mentioned. The EPA’s letter requires correction.

The EPA’s letter similarly confuses purchase by the Office of Criminal Enforcement, Forensics and Training (OCEFT) of generally described equipment with my request for EPA-wide equipment based on particular PSCs in questions nine, ten, twelve, thirteen, and fifteen. In its letter, the EPA claimed, “OCEFT has not purchased ‘hovercraft,’ ‘Ships, Small Craft, Pontoons and Floating Docks,’ ‘Amphibious Assault Ships,’ ‘Radar Equipment,’ ‘Aerospace Craft and Structural Components,’ ‘Aerospace Craft Components and Accessories,’ ‘Aerospace Craft launching, Landing, and Ground Handling, and Servicing Equipment,’ or ‘unmanned aircraft.’”<sup>9</sup> I asked for information about EPA-wide equipment as classified in the relevant PSCs that reference the aforementioned items, which the EPA failed to answer.<sup>10</sup> After all, these are PSCs used by the EPA to identify equipment it’s allegedly purchased. If EPA has equipment under those PSCs in its repository – say so one way or the other.

Specifically, concerning question ten, EPA claimed that “OCEFT has not purchased ‘hovercraft.’”<sup>11</sup> Based on a purchase order description labeled as “hovercraft”<sup>12</sup> on [governmentspending.gov](https://www.usaspending.gov),<sup>13</sup> I asked about the EPA’s ownership of equipment that “can be classified as ‘hovercraft’” under the relevant PSC.<sup>14</sup> EPA failed to fully address that obligation entry while claiming that “OCEFT has not purchased ‘hovercraft.’”<sup>15</sup> But, there’s a public purchase order on a public government website under a government PSC that the EPA has not explained in sufficient detail.<sup>16</sup>

The EPA did, however, address other cited purchase order descriptions. Namely, EPA said the reference on government websites to the purchase of an “amphibious assault ship” was

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<sup>7</sup> *Id.*

<sup>8</sup> Letter from Grassley, *supra* note 1, at 4.

<sup>9</sup> Letter from Del Monico, *supra* note 2, at 3.

<sup>10</sup> Letter from Grassley, *supra* note 1.

<sup>11</sup> Letter from Del Monico, *supra* note 2.

<sup>12</sup> My letter expressly included and cited this purchase order description on page 2. *Id.* at 2.

<sup>13</sup> USASPENDING.GOV, Advanced Search, (last accessed Nov. 9, 2023), [https://www.usaspending.gov/award/CONT\\_AWD\\_EP12D000222\\_6800\\_-NONE\\_-NONE-](https://www.usaspending.gov/award/CONT_AWD_EP12D000222_6800_-NONE_-NONE-).

<sup>14</sup> Letter from Grassley, *supra* note 1, at 4.

<sup>15</sup> Letter from Del Monico, *supra* note 2.

<sup>16</sup> USASpending clarifies that “The description of the award is provided by the contracting officer who submitted this contract data.” USASPENDING.GOV, Advanced Search, “Description” information box, (last accessed May 22, 2024), [https://www.usaspending.gov/award/CONT\\_AWD\\_EP12D000222\\_6800\\_-NONE\\_-NONE-](https://www.usaspending.gov/award/CONT_AWD_EP12D000222_6800_-NONE_-NONE-).

an error. Specifically, EPA said the listed entry was “to support a peer review for an EPA research program.... [T]he purchase order was incorrectly coded. We appreciate the opportunity to clarify this purchase and assure you that there was no such purchase of an ‘amphibious assault ship.’”<sup>17</sup> This raises a new question: what protocols does EPA have in place to ensure its spending entries are accurately recorded for the Congress and public?

The EPA also addressed unmanned aircraft systems (UAS) and noted that “[c]ontractors or other federal agencies may operate UAS on EPA’s behalf under a specific set of appropriations-related conditions, such as assistance with collecting data and monitoring environmental hazards.”<sup>18</sup> However, the EPA failed to answer my initial question, which was: “[i]n what instances has the EPA used unmanned aircraft in the last five years? In your response, please answer by year and provide all records.”<sup>19</sup> EPA’s assertion that third parties operate UAS on behalf of EPA doesn’t absolve the agency from responding to Congress on “appropriations-related” use. Moreover, what contractors and other government agencies has EPA joined forces with, for what purpose, and for which years? These are questions the EPA can – and should – proactively answer without Congress having to follow-up on, but it failed to do so.

Additionally, the EPA failed to answer my questions regarding EPA personnel in the line of duty. My letter asked questions about field operations including how many times personnel have equipped themselves with rifles in field operations, how many rounds of ammunition EPA personnel have discharged in non-training situations, how many night-time field operations EPA has executed, how many times personnel have been fired upon, and how many search and arrest warrants EPA has executed, among other questions. EPA’s response simply stated, “EPA Special Agents sometimes engage in high-risk law enforcement operations (e.g., executing search warrants, conducting arrests, encountering weapons, etc.)”<sup>20</sup> The EPA understood my questions enough to acknowledge their presence, yet not enough to substantively respond.

The EPA wrote that “EPA has reviewed the purchase orders you referenced going back to 2015. The Agency has concluded that these purchase orders were fully appropriate.”<sup>21</sup> However, I did not ask for EPA to review the data and provide me lip service. I asked for answers and records on behalf of the taxpayers who funded these purchases. In light of the EPA’s failure to substantively respond despite admitting that the purchases came from “EPA program offices,” please answer the aforementioned questions, answer all questions from my initial letter, and provide all relevant records no later than June 13, 2024. To promote clarity based on the EPA’s initial response, please number your responses according to their corresponding questions and provide data on the EPA’s possession, ownership, and use of the relevant equipment under the PSC codes I supplied in my initial letter.

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<sup>17</sup> Letter from Del Monico, *supra* note 2.

<sup>18</sup> *Id.*

<sup>19</sup> Letter from Grassley, *supra* note 1.

<sup>20</sup> Letter from Del Monico, *supra* note 2.

<sup>21</sup> *Id.*

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,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive, flowing style.

Charles E. Grassley  
Ranking Member  
Committee on the Budget