

United States Senate
WASHINGTON, DC 20510

September 14, 2023

VIA ELECTRONIC TRANSMISSION

The Honorable Michael Regan
Administrator
Environmental Protection Agency

Dear Administrator Regan,

Today, I write to better understand the justification for the Environmental Protection Agency's (EPA) purchase and use of law enforcement and military-grade equipment. Based on a search of government spending websites and a report from the Government Accountability Office (GAO), the EPA has spent millions of dollars on this type of equipment since 2006.

For example, according to a 2018 GAO report, as of November 2017, the EPA, including the OIG, employed 207 Federal Law Enforcement Officers (FLEO) armed with 857 guns and approximately 500,000 rounds of ammunition.¹ GAO also identified spending for "Aiming devices," "Breaching equipment," "Silencers," and "Tactical lighting," as well as hundreds of pistols, shotguns, and several rifles.² Those numbers have changed since 2018: one government purchase order from 2020 shows the EPA purchased 50 rifles and accessories for \$57,742.³ And, according to a 2022 DOJ report, as of FY2020, the EPA, to include the OIG, employed 197 FLEOs.⁴

The EPA has also spent a significant amount on advanced combat and reconnaissance equipment from 2006 to present including unmanned aircraft, night vision, and radar equipment.⁵

¹ 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> (The EPA's Office of Enforcement and Compliance Assurance employed 159 FLEOs while the Office of Inspector General employed 48 FLEOs.).

² *Id.*

³ USASPENDING.GOV, Advanced Search, (last accessed Sep. 7, 2023), https://www.usaspending.gov/award/CONT_AWD_68HERH20P0105_6800_-NONE_-NONE-.

⁴ U.S. Department of Justice, NCJ 304752 *Federal Law Enforcement Officers, 2020-Statistical Tables*, (Sep. 2022), at 5-6, <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/fleo20st.pdf> (The EPA's Criminal Investigation Division employed 160 FLEOs and the EPA's Office of Inspector General employed 37 FLEOs as of FY2020.).

⁵ USASPENDING.GOV, Advanced Search, (last accessed Sep. 7, 2023), at <https://www.usaspending.gov/search/?hash=1ae1f9781b99dbeac9e3ad12b986ca90>, (Showing Product Service Codes for weapons; chemical weapons and equipment; camouflage and deception equipment; tactical sets, kits, and outfits; ammunition and explosives; night vision equipment, emitted and reflected radiation; and armor, personal.). See also, Adam Andrzejewski, *The EPA's 'Climate Change Liberation Army'*, FORBES, (Oct. 21, 2015),

Specifically, EPA spent and bought the following according to government websites:

- From 2008 to 2023, the EPA spent \$167,657 on “Night Vision Equipment, Emitted and Reflected Radiation.”⁶
- From 2007 to 2022, the EPA spent \$1,826,070 on “ships, small craft, pontoon, docks.”⁷ One of those transaction descriptions included \$40,119 for “hovercraft.”⁸
- From 2007 to 2019, the EPA spent \$151,018 on “Radar Equipment, Except Airborne” and “Radar Equipment, Airborne.”⁹
- From 2005 to 2023, the EPA spent \$8,193,741 on “motor vehicles, cycles, trailers.”¹⁰ Some of those transaction descriptions include “mobile command vehicle,” “mobile command post,” “segway,” and “all terrain vehicles.”¹¹ There is also a \$61,362 purchase for “unmanned ground vehicle.”¹²
- In 2013, the EPA spent \$33,690 on “unmanned aircraft,”¹³ as well as \$147,300 from 2021 to 2023 for instruments for the unmanned aircraft¹⁴ and \$97,403 in 2023 for “unmanned aircraft systems flight services.”¹⁵
- From 2009 to 2023, the EPA spent \$323,576 on “armor, personal.”¹⁶
- In 2010 and 2011, the EPA spent \$207,442 on “camouflage and deception equipment.”¹⁷ Deceptive equipment can include dummy artillery, aircraft, and vehicles, as well as garnished nets.¹⁸

<https://www.forbes.com/sites/adamandrzejewski/2015/10/21/the-climate-change-liberation-army-and-u-s-environmental-protection-agency-epa-adventurism/?sh=2fc92cb175ac>; USASPENDING.GOV, Advanced Search, (last accessed Sep. 7, 2023), <https://www.usaspending.gov/search/?hash=a23ad151eff9f0ca01941cfa54200083>, (Showing keyword results for EPA spending on “Radar,” “Tactical,” “Body Armor,” “Camouflage,” “Night Vision,” “GPS,” “Unmanned Aircraft,” “Bushmaster Rifle,” and “Amphibious Assault” from 2004 to 2023.); and OPEN THE BOOKS, *ENVIRONMENTAL*

PROTECTION AGENCY: Quantifying Agency Operations During Fiscal Years 2018-2022, (July 2023), https://www.openthebooks.com/assets/1/6/EPA_OTB_Oversight_Report_FINAL.pdf.

⁶ USASPENDING.GOV, Advanced Search, (last accessed Sep. 7, 2023),

<https://www.usaspending.gov/search/?hash=adf584f840ce5f79f73d1e7ff5f3c516>.

⁷ *Id.* at <https://www.usaspending.gov/search/?hash=90e5d4a93da7e50b800ab8584fdfaa1a>.

⁸ *Id.*

⁹ *Id.* at <https://www.usaspending.gov/search/?hash=c01bbf5da193959e61e38a3fdb3f794>.

¹⁰ *Id.* (last accessed Sep. 12, 2023), at

<https://www.usaspending.gov/search/?hash=62cc789e7eefcd7faf75d28807677917>.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.* (last accessed Sep. 7, 2023), at

<https://www.usaspending.gov/search/?hash=f52dc120939ea97538412880a5a97d80>.

¹⁴ *Id.* at <https://www.usaspending.gov/search/?hash=76e1fec0ccdb00a09b43e62617aa77b1>.

¹⁵ *Id.*

¹⁶ *Id.* (last accessed Sep. 12, 2023), at

<https://www.usaspending.gov/search/?hash=bd36614776aa4cda5838e15386fbc46e>.

¹⁷ *Id.* (last accessed Sep. 7, 2023), at

<https://www.usaspending.gov/search/?hash=baf2ffb07bcfb03f4fd11ac4c4d4bc06>.

¹⁸ U.S. General Services Administration Federal Acquisition Service, *Federal Procurement Data System Product and Service Codes (PSC) Manual Fiscal Year 2022 Edition*, (Apr. 2022), at 85,

<https://www.acquisition.gov/sites/default/files/manual/PSC%20Manual%20April%202022.pdf>.

- From 2010 to 2018, the EPA spent \$432,866 on “tactical sets, kits, and outfits.”¹⁹

These types of spending fall under several different Product Service Codes (PSC) or groups.²⁰ During the Obama/Biden administration, the EPA spent \$6,584,473 on equipment classified under these groups/codes.²¹ As of September 14, 2023, the Biden administration EPA has already spent \$2,892,770²² on these items, which is 143% more than what was spent during the entire Trump administration.²³

So that Congress may conduct oversight of the EPA’s use of taxpayer money for this equipment, please answer the following questions no later than September 28, 2023:

1. How many FLEOs does EPA currently employ?
2. How much equipment does EPA own that is classified in the PSC Manual as part of Group 10, “Weapons”?²⁴ Please list each type of equipment, the volume purchased, the total cost for purchase, and the statutory authority for the purchase. Please include the agency’s written policies for the agency’s use of this equipment.
3. How many times have EPA personnel used or equipped themselves with rifles in field operations? Please explain and provide all records.²⁵
4. How many rounds of ammunition have EPA employees discharged in non-training exercises, operations, and related instances over the past five years? In your response, please answer by year and provide all records.

¹⁹ USASPENDING.GOV, Advanced Search, (last accessed Sep. 7, 2023), <https://www.usaspending.gov/search/?hash=761a05865104e5b8611525069ce6ef18>.

²⁰ U.S. General Services Administration Federal Acquisition Service, *Federal Procurement Data System Product and Service Codes (PSC) Manual Fiscal Year 2022 Edition*, (Apr. 2022), <https://www.acquisition.gov/sites/default/files/manual/PSC%20Manual%20April%202022.pdf> (The groups/codes are “weapons” (including “camouflage and deception equipment” and “chemical weapons and equipment”); “ammunition and explosives;” “armor, personal;” “night vision equipment, emitted and reflected radiation;” “aerospace craft and structural components;” “ships, small craft, pontoon docks;” and “motor vehicles, cycles, trailers.”).

²¹ *Id.* at <https://www.usaspending.gov/search/?hash=08bd6041256a4a7f3f419ab9580afc2f>.

²² *Id.* (last accessed Sep. 14, 2023), at <https://www.usaspending.gov/search/?hash=4d5ed72332fb0cf17d40b04ca5ae636d>.

²³ *Id.* (last accessed Sep. 7, 2023), at <https://www.usaspending.gov/search/?hash=a5eb564ddbbb4a287ebe3002bd71faef> (The Trump administration EPA spent \$2,026,821 on the same equipment.).

²⁴ U.S. General Services Administration Federal Acquisition Service, *Federal Procurement Data System Product and Service Codes (PSC) Manual*, (Apr. 2022), Section C: Product Codes at 83-85, <https://www.acquisition.gov/sites/default/files/manual/PSC%20Manual%20April%202022.pdf>.

²⁵ “Records” include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (e-mails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether they resulted in final documents).

5. How much time have EPA employees spent on firearm training in the past five years? In your response, please answer by year and provide all records.
6. How many rounds of ammunition have EPA employees used during firearm training in the past five years? In your response, please answer by year and provide all records.
7. How much equipment does EPA own that is classified in the PSC Manual as Code 5855, “Night Vision Equipment, Emitted and Reflected Radiation?”²⁶ Please list each type of equipment, the volume purchased, the total cost for purchase, and the statutory authority for the purchase. Please include the agency’s written policies for the agency’s use of this equipment.
8. How many night-time field operations has the EPA executed in the past five years? In your response, please answer by year and provide all records.
9. How much equipment does EPA own that is classified in the PSC Manual as part of Group 19, “Ships, Small Craft, Pontoons, and Floating Docks?”²⁷ Please list each type of equipment, the volume purchased, the total cost for purchase, and the statutory authority for the purchase. Please include the agency’s written policies for the agency’s use of this equipment.
 - a. What is the yearly maintenance and fuel cost for this equipment?
 - b. How much has been spent in servicing or outfitting this equipment?
 - c. Where is the equipment stored?
10. How much equipment does EPA own that is or can be classified as “hovercraft?” Please list each type of equipment, the volume purchased, the total cost for purchase, and the statutory authority for the purchase.
11. How much equipment does EPA own that is or can be classified as “unmanned ground vehicle?” Please list each type of equipment, the volume purchased, the total cost for purchase, and the statutory authority for the purchase.

²⁶ U.S. General Services Administration Federal Acquisition Service, *Federal Procurement Data System Product and Service Codes (PSC) Manual*, (Apr. 2022), Section C: Product Codes at 138, <https://www.acquisition.gov/sites/default/files/manual/PSC%20Manual%20April%202022.pdf>.

²⁷ *Id.* at 99.

12. How much equipment does EPA own that is classified in the PSC Manual as part of Code 1911, “Amphibious Assault Ships”? Please list each type of equipment, the volume purchased, the total cost for purchase, and the statutory authority for the purchase. Please include the agency’s written policies for the agency’s use of this equipment.
- What is the yearly maintenance and fuel cost for this equipment?
 - How much has been spent in servicing or outfitting this equipment?
 - Where are these items stored?
13. How much equipment does EPA own that is classified in the PSC Manual as part of Code 5840, “Radar Equipment, Except Airborne,” and Code 5841, “Radar Equipment, Airborne”? Please list each type of equipment, the volume purchased, the total cost for purchase, and the statutory authority for the purchase. Please include the agency’s written policies for the agency’s use of this equipment.
14. How much equipment does EPA own that is classified in the PSC Manual as part of Group 23, “Ground Effect Vehicles, Motor Vehicles, Trailers, and Cycles”?²⁸ Please list each type of equipment, the volume purchased, the total cost for purchase, and the statutory authority for the purchase. Please include the agency’s written policies for the agency’s use of this equipment.
- What is the yearly maintenance and fuel cost for this equipment?
 - How much has been spent in servicing or outfitting this equipment?
 - Where are these items stored?
15. How much equipment does EPA own that is classified in the PSC Manual as part of Group 15, “Aerospace Craft and Structural Components;” 16, “Aerospace Craft Components and Accessories;” or 17, “Aerospace Craft launching, Landing, and Ground Handling, and Servicing Equipment”?²⁹ Please list each type of equipment, the volume purchased, the total cost for purchase, and the statutory authority for the purchase. Please include the agency’s written policies for the agency’s use of this equipment.
- What is the yearly maintenance and fuel cost for this equipment?
 - How much has been spent in servicing or outfitting this equipment?
 - Where are these items stored?

²⁸ *Id.* at 102-03.

²⁹ *Id.* at 94, 95, and 98.

16. In what instances has the EPA used unmanned aircraft in the last five years? In your response, please answer by year and provide all records.
17. How much equipment does EPA own that is classified in the PSC Manual as Code 8470, "Armor, Personal"? Please list each type of equipment, the volume purchased, the total cost for purchase, and the statutory authority for the purchase. Please include the agency's written policies for the agency's use of this equipment.
18. How many times have EPA employees been fired upon in the past five years? In your response, please answer by year and provide all records.
19. In what instances has the EPA used equipment classified under PSC 1080, "Camouflage and Deception Equipment"?³⁰ Please list each type of equipment, the volume purchased, the total cost for purchase, and the statutory authority for the purchase. Please explain and provide records.
20. How much equipment does EPA own that is classified under PSC 1367, "Tactical Sets, Kits, and Outfits"?³¹ Please list each type of equipment, the volume purchased, the total cost for purchase, and the statutory authority for the purchase. Please include the agency's written policies for the agency's use of this equipment.
21. How many arrest warrants has the EPA executed in the past five years?
22. How many search warrants has the EPA executed in the past five years?
23. How much has EPA spent on fuel in each of the last five years? In your response, please list fuel use by the type of equipment.

³⁰ *Id.* at 84.

³¹ *Id.* at 91.

Thank you for your attention to this important matter. If you have any questions, please contact Jace Pimentel 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

cc: The Honorable Sean O'Donnell
Inspector General
Environmental Protection Agency