

**Congress of the United States**  
**Washington, DC 20515**

April 7, 2014

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

Dear Ms. McCarthy,

The House Committee on Oversight and Government Reform (OGR) and the Senate Committee on Environment and Public Works (EPW) are engaged in a joint investigation into the details surrounding the fraudulent conduct of convicted felon and former Environmental Protection Agency senior official John Beale. Most recently, EPW minority staff issued a memorandum<sup>1</sup> as well as a report, *EPA's Playbook Unveiled: A Story of Fraud, Deceit, and Secret Science*,<sup>2</sup> that details how profoundly another former EPA senior official, Robert Brenner, was entangled in Beale's misconduct. These findings were in part based on testimony Brenner provided at the OGR hearing *Secret Agent Man? Oversight of EPA's IG Investigation of John Beale*,<sup>3</sup> as well as an OGR staff deposition of Beale.<sup>4</sup> Throughout our joint investigation, evidence strongly suggests that Brenner facilitated Beale's fraud. For this reason, we respectfully request EPA's full cooperation with our joint investigation.

The need for Congress to investigate the exact nature of Brenner's role is underscored by the fact that he has so far refused to cooperate with the EPA Office of Inspector General (OIG) and declined to respond to a request for information from EPW's Ranking Member.<sup>5</sup> More troublingly, we have evidence that suggests Brenner — whom then-EPA Administrator Lisa Jackson awarded a Distinguished Career Service Award<sup>6</sup> —

---

<sup>1</sup> Memorandum from Republican Committee Staff to Republican Members, S. Comm. on Env't & Pub. Works, Additional Facts Regarding EPA Negligence in Responding to Beale Fraud (Robert Brenner) (Feb. 6, 2014) (on file with Committee).

<sup>2</sup> S. COMM. ON ENV'T & PUB. WORKS MINORITY STAFF, *EPA'S PLAYBOOK UNVEILED: A STORY OF FRAUD, DECEIT, AND SECRET SCIENCE* (2014), available at [http://www.epw.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore\\_id=b90f742e-b797-4a82-a0a3-e6848467832a](http://www.epw.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore_id=b90f742e-b797-4a82-a0a3-e6848467832a).

<sup>3</sup> *Secret Agent Man? Oversight of EPA's IG Investigation of John Beale: Hearing Before the H. Comm. on Oversight & Gov't Reform*, 113th Cong. (Oct. 1, 2013).

<sup>4</sup> Transcript of John C. Beale Deposition, H. Comm. on Oversight & Gov't Reform, 113th Cong. (Dec. 19, 2013), available at <http://oversight.house.gov/wp-content/uploads/2014/01/Beale-Deposition.pdf>.

<sup>5</sup> See Letter from Justin Shur to Republican Staff, S. Comm. on Env't & Pub. Works (Nov. 8, 2013).

<sup>6</sup> See PANEL BIOGRAPHIES: ROBERT D. BRENNER, EPA'S CARE PROGRAM 100TH GRANT CELEBRATION PARTNERSHIP PANEL BIO SKETCHES (2011), available at <http://www.epa.gov/care/documents/2011Panelbios.pdf>.

provided false testimony before Congress when he discussed his reasons for recruiting and hiring Beale.<sup>7</sup>

Despite his lack of cooperation, the Committees have learned of several key damaging facts that implicate Brenner with Beale's misconduct. Brenner hired Beale at an outrageously high salary — the highest possible salary for a General Schedule employee — despite Beale's admitted lack of environmental policy experience.<sup>8</sup> We also know that Brenner nominated Beale for two retention incentive bonuses that led to overpayments totaling at least \$573,364.60.<sup>9</sup> It also appears the documentation Brenner submitted for these bonuses contain materially false information to which Brenner attested.<sup>10</sup> Additionally, Brenner recommended Beale for the promotion to Senior Leader that eventually elevated Beale's salary to exceed the statutory threshold for employees at his pay grade.<sup>11</sup> In each of these instances, Brenner's actions facilitated Beale's fraud.

Moreover, we have learned that Brenner often corroborated Beale's lies. For example, when a former Deputy Assistant Administrator for the Office of Air and Radiation asked Brenner questions about Beale's absence and alleged poor health, Brenner would assert that Beale would be in the next day.<sup>12</sup> In light of these troubling facts, it appears Beale could not have accomplished his crimes without Brenner's assistance.

Given Brenner and Beale's close and troubling relationship during their long tenures at EPA, documents currently in the EPA's possession are crucial to the Committees' ability to get to the bottom of the Beale matter. Accordingly, the Committees request that the EPA produce all of Brenner's documents that refer or relate to Beale created between time Beale was first hired in November 1987 and Brenner's retirement in August 2011. We also request that EPA produce all correspondence between Brenner and Beale that occurred during that same time period. Given your representations to the EPW Committee of having "no[]" hesitation "at all" about cooperation with our investigation of the Beale matter<sup>13</sup> and Deputy Administrator Perciasepe's willingness to "expedite" document productions to the OGR Committee in the Beale matter,<sup>14</sup> we expect your cooperation in promptly fulfilling this request, and producing the requested documents no later than April 23, 2014.

---

<sup>7</sup> See EPA'S PLAYBOOK UNVEILED, *supra* note 2, at 2–6.

<sup>8</sup> Transcript of John C. Beale Deposition, *supra* note 4, at 13.

<sup>9</sup> See EPA'S PLAYBOOK UNVEILED, *supra* note 2, at 7–19.

<sup>10</sup> See Memorandum from Republican Committee Staff to Republican Members, S. Comm. on Env't & Pub. Works, Additional Facts Regarding EPA Negligence in Responding to Beale Fraud (Robert Brenner) (Feb. 6, 2014) (on file with Committee).

<sup>11</sup> EPA'S PLAYBOOK UNVEILED, *supra* note 2, at 9–10.

<sup>12</sup> *Id.* at 7.

<sup>13</sup> *Review of the President's Climate Action Plan, Hearing Before the S. Comm. on Env't & Pub. Works*, 113<sup>th</sup> Cong. (Jan. 26, 2014) (testimony of Hon. Gina McCarthy).

<sup>14</sup> *Secret Agent Man? Oversight of EPA's IG Investigation of John Beale: Hearing Before the H. Comm. on Oversight & Gov't Reform*, 113<sup>th</sup> Cong. (Oct. 1, 2013) (testimony of Hon. Robert Perciasepe).

Ms. McCarthy  
April 7, 2014  
Page 3 of 3

If you have any questions regarding this request, please contact Tyler Grimm with the House OGR Committee at (202) 225-5074 or Kristina Moore with the Senate EPW Committee at (202) 224-6176.

Sincerely,



Darrell E. Issa  
Chairman  
House of Representatives Committee  
on Oversight and Government Reform



David Vitter  
Ranking Member  
Senate Committee on  
Environment and Public Works

cc: Elijah Cummings, Ranking Member, Committee on Oversight and Government Reform  
Barbara Boxer, Chairman, Committee on Environment and Public Works