

Attachment D

From: Jackson, Ryan <jackson.ryan@epa.gov>

Sent: Monday, October 21, 2019 10:07 AM

To: Benevento, Douglas <benevento.douglas@epa.gov>; Trefry, John <Trefry.John@epa.gov>; Bennett, Angela <Bennett.Angela@epa.gov>

Subject: RE: Non-responsiveness of Chief of Staff to OIG Audit Question - Project No. OA&E-FY19-0313

Happy to. I actually met for thirty minutes with John, Angela, and team where they advised me they were investigating this as a whistleblower matter and wanted to know my training in whistleblower matters. And I'm glad I get the opportunity to explain this in writing because it will be part of the Agency's response to Mr. Trefry's report. In fact, I'm really looking forward to writing that response.

In that 30 minute session, I provided my training and provided them with emails showing how I worked to try to have Administrator Pruitt issue a whistleblower memo, and how that I worked to provide Administrator Wheeler a whistleblower memo which he issued. I wanted to let them know and demonstrate that I take whistleblower cases seriously. I received eye rolls from both Angela and a sigh from John.

However, I advised them that this was not a whistleblower matter. Instead, this is a situation where an individual was apparently angry or frustrated with an Agency decision. This simply was the decision. In the Spring of 2017, the Acting Assistant Administrator for the Office of Research and Development sent the AO a package of 46 individuals it wanted reappointed to the Board of Scientific Counselors for a second three year term to run through the Spring of 2020 (nearly the entire first term of President Trump). We chose instead to open the competition for these seats to the general public instead of rubber stamping 46 reappointments. We asked for applicants including the current incumbents in the Federal Register. This is a similar process we conducted for other boards like the Science Advisory Board and the Clean Air Scientific Advisory Committee. In fact, when we opened up competition for these three boards alone (BOSC, SAB, and CASAC), EPA received 700 applicants for about 100 positions. We believe this was a good thing. For the BOSC, by June of 2017, of those original 46 positions, 37 reapplied, 27 were reappointed, 10 were not reappointed. By the end of the year, 43 new and additional members were appointed to the BOSC, and 11 BOSC members were in the middle of their terms. I provided the attached chart to John, Angela, and the team so that it would make it easy for them.

The individual that was angry was invited to testify before a Congressional subcommittee about EPA's relationship with the states. She testified in May 2017. She testified on a panel with Director Cabrera and Director Keogh. She was and is not a state DEQ director. She was the chair of BOSC. She apparently advised the Acting AA for ORD she was testifying. However, he never informed OCIR she was testifying. Apparently he didn't like the Agency decision either. I mean the AO just complicates everyone's jobs anyway, right? Just kind of an annoyance. The individual was in the news in late April, early May talking about EPA firing scientists. However, by the time she testified she was not aware of what ultimately occurred in June 2017. So, knowing what she was already saying, I tried to contact the individual before her appearance before Congress in May 2017. She refused to contact me so I provided her information by email on what were actually doing with the FACAs and other board. What we were doing at EPA was inconvenient for her testimony. I informed John, Angela, and company that my job is to manage staff whether its employees, contractors, or volunteer FACA members, and if I have a good reason to believe they are purposefully doing something they know to be incorrect my job is to try to correct that. And that's what I tried to do in this case. I also informed them that when the individual did not get back with me I did see a copy of her testimony. That is part of my job as well, and I am not going to involve others or point fingers in doing my job whether John, Angela, or whoever else agrees or not. They already have my answers to their questions.

I'm sorry this was misrepresented to you. Welcome to Washington.

Ryan.