



Office of the Chief
Records Officer for the
U.S. Government

Sent Via Email. No Hard Copy to Follow.

July 29, 2021

Mr. John Ellis
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW (MC 2822T)
Washington, DC 20460

Dear Mr. Ellis,

The National Archives and Records Administration (NARA) has received your notification regarding recent allegations of unauthorized disposition of U.S. Environmental Protection Agency (EPA) records as reported in multiple media sources.

Your notification cited a press release and formal complaint from Public Employees for Environmental Responsibility (PEER) and a news article from *The Intercept* reporting that managers and career staff in the EPA's Office of Chemical Safety and Pollution Prevention altered the assessments of dozens of chemicals to make them appear safer.

NARA understands that EPA is currently investigating these allegations. Please provide a comprehensive report, in accordance with 36 CFR 1230.16, as soon as EPA's investigation has concluded. Your report should have specific details on the disposition of the records at issue, a description (including volume and disposition authority) of the affected records, and a statement, if appropriate, describing the safeguards to prevent future losses of records.

Thank you for your attention to this matter. If you wish to discuss further, please do not hesitate to contact me at Laurence.Brewer@nara.gov.

Sincerely,

LAURENCE BREWER
Chief Records Officer
for the U.S. Government



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March 18, 2022

John Ellis
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW (MC 2822T)
Washington, DC 20460
ellis.john@epa.gov

Dear Mr. Ellis,

The National Archives and Records Administration (NARA) received your final report regarding allegations of unauthorized disposition of U.S. Environmental Protection Agency (EPA) records made by the Public Employees for Environmental Responsibility (PEER). PEER alleged that the EPA altered chemical risk assessment records within EPA's Office of Chemical Safety and Pollution Prevention (OCSP), and destroyed without authorization records related to the development of the Waters of the United States (WOTUS) rule.

EPA's report indicated that all drafts and final versions of the three chemical risk assessments in question were properly retained and are retrievable in EPA's New Chemicals Review system and other databases. Additionally, EPA conducted a close review of the chemical risk assessment drafts to PEER's allegations of alteration and could not find any evidence that alterations were made to any of the draft reports.

After thoroughly investigating the allegations in PEER's complaint regarding the unauthorized destruction of comments and feedback submitted by regional offices during the proposed WOTUS rule's development, EPA has determined that no federal records were unlawfully destroyed. The proposed rule was issued on February 14, 2019 in the Federal Register, and EPA headquarters solicited input from the regions on the proposed rule, requesting all regional comments on that rule be sent to EPA headquarters and submitted as standalone Microsoft Word documents. The regional comments on the February 14, 2019 proposed rule, contained in standalone Microsoft Word documents, were uploaded by the submitting regions into a dedicated SharePoint folder. All submitted comments have been properly preserved and are retrievable on SharePoint.

Based on the information provided, EPA has satisfied all reporting requirements of 36 CFR 1230.14 and NARA considers this matter closed. If you have any questions, please contact me at laurence.brewer@nara.gov.

Sincerely,

A handwritten signature in blue ink that reads "Laurence V. Brewer". The signature is written in a cursive style with a large initial 'L'.

LAURENCE BREWER
Chief Records Officer
for the U.S. Government