



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 25 2011

Mr. Jeff Ruch
Executive Director
Public Employees for Environmental Responsibility
2000 P Street, NW, Suite 240
Washington, DC 20036

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Dear Mr. Ruch:

RE: Response to Freedom of Information Request: HQ-FOI-00571-11

Thank you for your recent Freedom of Information Act (FOIA) request for information pertaining to attrition data for special agents in EPA's Office of Criminal Enforcement, Forensics, and Training (OCEFT), and actions taken in response to the September 7, 2010, report of consultants Tom Voltaggio and Bill Finister to the Assistant Administrator of the Office of Enforcement and Compliance Assurance (OECA) (the "Voltaggio Report"). Enclosed please find the responsive documents in our files.

The first paragraph of your request seeks "summaries" of attrition rates of OCEFT special agents for the period of 2000 through 2010. We do not have any documents that provide an overall summary for that time period, but we are providing one pre-existing document that could be deemed at least partially responsive to your request. It lists all OCEFT employees¹ who departed during the time period from 2006 to 2010, with names redacted in order to comply with the Privacy Act. We are also providing a second document², which we created using corrected data from the first document in order to convey an accurate calculation of percentage-based attrition rates for all OCEFT employees during the same time period. Using this information, you can see that OCEFT's average annual attrition rate for all employees from 2006 through 2010 was 7.1%, only slightly higher than OECA's overall attrition rate during the same period of 6.2%.

The second and third paragraphs of your request seek documents describing the "actions taken" by the Assistant Administrator for Enforcement or the Office of Criminal Enforcement Forensics and Training to "implement the recommendations" of the Voltaggio Report. In her October 19, 2010 memorandum, OECA Assistant Administrator Cynthia Giles stated, "Acting Deputy Director Cantor's main focus will be on two tasks: 1) improving communications

¹ It is relevant to note that Federal criminal investigators, denoted on the chart as job series 1811, face statutorily-mandated retirement at age 57. This aspect of Federal personnel law impacts Special Agent retirements in a manner that does not occur with other OCEFT employees.

² Please note that the documents describe differently the total number of employees on board for the fiscal years in question: the first document reflects the on-boards at the end of each fiscal year, and the second document reflects the on-boards at the beginning of the fiscal year. In addition, the second document does not include the departure of temporary employees in the Student Career Experience Program, which is similar to a paid internship program.

throughout OCEFT, with particular emphasis on communication related to personnel actions and procedures; and 2) examining personnel procedures, and the implementation of those procedures, to ensure that OCEFT holds its workforce, including its managers, accountable in an appropriate manner. His work to carry out these tasks will be informed in part by some of the recommendations of Mr. Voltaggio and Mr. Finister and the findings of the OPM Organizational Assessment.” Although we do not have documents describing the actions taken, I have been focusing on these tasks and can provide you with a summary of OECA’s and OCEFT’s ongoing efforts, which are responsive to the concerns raised by Messrs. Voltaggio and Finister, to foster a workplace environment in OCEFT that is built on open communication, trust, and respect.

First, as Acting Deputy Director and now Acting Director of OCEFT, I have been specifically charged by OECA Assistant Administrator Cynthia Giles with assessing the working environment of our Criminal Investigation Division (CID) Area Offices, understanding any issues that are of concern to our Special Agents, improving communications between Headquarters and Area Offices, and taking action to address any issues that are adversely affecting the working conditions or morale of our workforce. I moved immediately to carry out this charge, beginning with visits to all ten Area Offices, which I have recently completed. I have also been speaking by phone to OCEFT’s Special Agents who are located in Resident Offices.

Partly in response to what I have heard during these discussions, I am taking several steps that I believe will help improve communications and promote a more productive and healthy working environment for our Special Agents and all OCEFT employees:

- During a meeting in December with all CID Special Agents in Charge (SACs) from across the country, I described my expectations regarding OCEFT managers’ responsibilities in the creation of an open and trusting environment. These include 1) early conversations with employees regarding any perceived performance concerns, with the intent of helping employees improve and realize their full potential; 2) greater sharing of information regarding issues relevant to the Special Agent community; and 3) my belief that the first and most important job of any supervisor is to help his or her employees succeed.
- I have met with the Special Agent Advisory Committee (SAAC) to share with them the expectation that the committee will act as a vital communications link between headquarters and the field. SAAC members will not only serve as representatives of their individual field offices, but will also analyze and prioritize issues and recommendations from the field agent perspective. As part of its initial efforts, the SAAC will be reviewing the current CID Code of Conduct.

- I am working with the EPA Employee Counseling and Assistance Program (ECAP) to implement a training program on critical incident response and stress management for all OCEFT employees. An ECAP representative will visit a number of OCEFT locations to pilot the training. After the training program has been established, ECAP will also be assisting OCEFT with the creation of a peer support network for Special Agents, in order to help them better handle the particular stresses experienced by law enforcement professionals.

Criminal enforcement is an integral part of EPA's overall enforcement strategy. The health of OCEFT as an organization and the morale of its employees are critically important to ensuring that criminal enforcement remains a key component of the agency's mission and provides a powerful deterrent to those who engage in criminal violations of our environmental laws. I will continue to work with OCEFT senior managers to build on our successes and make improvements where warranted, so that OCEFT can maintain its vital role in protecting public health and the environment. I would be happy to meet with you if you would like to discuss any or all concerns you may have with EPA's criminal enforcement program.

If you are not satisfied with my action on this request, you may submit a written appeal to the National Freedom of Information Officer, FOIA and Privacy Branch (2822T), United States Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460 (U.S. Postal Service Only), or by fax: (202) 566-2147, or by e-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, NW, Room 6416J, Washington, DC 20004.

Your appeal must be in writing, and submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should clearly identify the determination being appealed including the assigned FOIA request number shown above. For quickest possible handling, both the appeal letter and its envelope should be clearly marked "Freedom of Information Act Appeal."

In accordance with the Freedom of Information Reform Act of 1986, your request has been categorized as "Other". Requesters categorized as "Other" are charged for the full cost of search and duplication, except that the first two hours of search time and the first 100 pages of duplication will be furnished without charge. However, you will not be charged a fee for servicing this FOIA request, as your request for a fee waiver has been granted by the National FOIA Officer.

Should you have additional questions regarding this response or would like to discuss this matter further, please contact Tom Seaton of my staff via e-mail at seaton.tom@epa.gov or via telephone at (202) 564-2544.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard Cantor", with a stylized flourish at the end.

Howard Cantor, Acting Director
Office of Criminal Enforcement, Forensics and Training

Enclosures

cc: National Freedom of Information Officer
FOIA and Privacy Branch (2822T)