



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

DATE: June 21, 2016

PREPARED BY: [REDACTED]

CASE #: OI-AT-2015-CAC-0031

CROSS REFERENCE #:

TITLE: UNKNOWN SUBJECT: POSSIBLE THEFT OF FILES FROM AIR, PESTICIDES AND TOXIC SUBSTANCES MANAGEMENT DIVISION, EPA REGION 4, ATLANTA, GA

CASE CLOSING REPORT

Subject(s)	Location	Other Data
[REDACTED]	EPA Region 4 Air/Pesticides/Toxics Management Division 61 Forsyth Street Atlanta, GA 30303	[REDACTED] Chemical Safety and Enforcement Branch

VIOLATIONS:

- 18 U.S. Code. §2071 – Concealment, removal, or mutilation generally
- EPA Policy 2155.3 – Records Management Policy
“...1. All EPA employees are responsible for: ...2. Destroying records only in accordance with approved records schedules and never removing records from EPA without authorization.”
- EPA Records Schedule 207 – Enforcement Action Files
“...Item a: Administrative case files, whether a formal enforcement action is initiated or not...Destroy 10 years after file closure...”

ALLEGATIONS:

On January 28, 2015, the EPA-OIG Atlanta Field Office received an allegation that an undetermined quantity of files were missing from an unsecured mixed-use file room located within secured EPA office space on the 12th floor of the Sam Nunn Atlanta Federal Center, Atlanta, GA. The missing files, identified as Inspection/Enforcement file records, belonged to the Lead and Asbestos Section, Chemical Safety and Enforcement Branch, Air, Pesticides, & Toxic Substances Management Division (APTSMO). The records were utilized to process air quality violations within the EPA Region 4 area of responsibility. Initially, it was reported that the missing files numbered in the hundreds and may have contained sensitive Personally Identifying Information (PII).

FINDINGS:

Evidence obtained during the EPA-OIG investigation established that 93 inspection/enforcement files were missing from the Lead and Asbestos Section, Chemical Safety and Enforcement Branch, Air, Pesticides, & Toxic Substances Management Division (APTSMD). The missing files related to Lead Based Paint inspections conducted between August 10, 2004 and September 22, 2014. While the missing files contained information such as full names and addresses, there was no indication that any sensitive PII (i.e. date of birth, Social Security number, financial or medical information) was comprised.

No evidence was obtained indicating theft, or the intentional destruction or removal of inspection/enforcement files from the Lead and Asbestos Section. However, evidence collected identified a lack of internal controls as a significant contributing factor in the Section's failure to account for their files. Testimony provided to EPA-OIG established that supervisors/managers in the Chemical Safety and Enforcement Branch were aware that a large number of files within the Lead Based Paint and Asbestos Section were unaccounted for since January 2014. However, no significant effort was undertaken to locate the missing files, or institute procedures to protect the remaining files, until it was determined that the Section/Branch would not meet its enforcement "commitments" for the FY2014.

During the course of this investigation, evidence was obtained linking [REDACTED] Chemical Safety and Enforcement Branch, EPA Region 4, Atlanta, GA, to the improper disposal of official EPA records. Six of the records disposed of by [REDACTED] were associated with the missing Lead Based Paint and Asbestos Section inspection/enforcement files.

DISPOSITION:

The results of this investigation was presented to AUSA Alana Black, Northern District of Georgia, for prosecutorial consideration. Criminal prosecution of [REDACTED] related to the concealment, removal, or mutilation of official government records (18 USC §2071) was declined. (b) (5) [REDACTED] was cited as reason for the declination.

This investigation was then referred to Region 4 officials for review and administrative action deemed appropriate. As a result of the EPA-OIG investigation:

- Additional safeguards and procedures were instituted within the Lead Based Paint and Asbestos Section to assure the security of their files;
- Additional Records Management training was provided to the Section's staff; and
- [REDACTED] was verbally counseled for violation of EPA's Record Management policy.

This concluded all pending actions and this investigation will be closed.



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OFFICE OF INSPECTOR GENERAL
61 FORSYTH STREET, S.W., ROOM 12T20
ATLANTA, GA 30303

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CASE AGENT: [REDACTED]

SIGNIFICANT INCIDENT REPORT

On May 26, 2016, [REDACTED], Air, Pesticides and Toxics Management Division, EPA Region 4, issued a memorandum outlining actions taken as a result of this OIG investigation, attachment 1. [REDACTED] reported:

- Additional safeguards and procedures were instituted within the Lead Based Paint and Asbestos Section to assure the security of their files. These additions include: (1) Keeping the files locked when in the central filing locations; (2) Development of an inventory of files; (3) Implementation of a formal standardized procedure for retrieving and returning files through a document control officer; and (4) Additional training for all staff handling these files; and
- [REDACTED], Chemical Safety and Enforcement Branch, EPA Region 4, Atlanta, GA was verbally counseled for violations related to the mishandling of official Agency records.

This concluded all pending actions related to this investigation.

Attachment:

1. Memorandum from [REDACTED] dated 05/26/2016





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
61 FORSYTH STREET, S.W., ROOM 12T20
ATLANTA, GA 30303**

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CASE AGENT: [REDACTED]

SIGNIFICANT INCIDENT REPORT

On April 1, 2016, this investigation was presented to Region 4 officials for review and administrative action deemed appropriate.

Attachment:

1. Report of Investigation, dated 04/01/2016





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

THE OFFICE OF INSPECTOR GENERAL

April 1, 2016

MEMORANDUM

SUBJECT: [REDACTED], Lead Based Paint and Asbestos
Section, Chemical Safety and Enforcement Branch, Air, Pesticides & Toxics
Management Division, EPA Region 4, Atlanta, GA

FROM: [REDACTED] [REDACTED] [REDACTED]
Acting Special Agent in Charge, Atlanta Field Office
Office of Inspector General, Office of Investigations

TO: [REDACTED]
[REDACTED]
Air, Pesticides & Toxics Management Division
U.S. Environmental Protection Agency
EPA Region 4, Atlanta, GA

RESTRICTED INFORMATION

Attached is a copy of Office of Inspector General (OIG) Report of Investigation on the above-captioned subject. The initial investigation was opened by the OIG in response to an allegation that several hundred inspection/enforcement files belonging to the Lead Based Paint and Asbestos Section were missing, and presumed stolen or destroyed. No evidence was obtained indicating theft, or the intentional destruction or removal of inspection/enforcement files from the Lead and Asbestos Section. Evidence collected identified a lack of internal controls as a significant contributing factor in the Section's failure to account for its files. In addition, testimony provided to EPA-OIG established that supervisors/managers within the Chemical Safety and Enforcement Branch were aware of that a large number of files were unaccounted for since January 2014; however, no significant effort was undertaken to locate the missing files, or institute procedures to protect the remaining files. It wasn't until it determined that enforcement "commitments" for the FY2014 would not be achieved that Section/Branch managers notified senior management of the situation, and initiated significant efforts to locate the missing files, as well as protect the remaining files.

During the course of this investigation evidence was obtained supporting a conclusion that [REDACTED] improperly disposed of official EPA records. Six of the records disposed of by [REDACTED] were associated with the missing inspection/enforcement files. While [REDACTED] admitted to intentionally placing the numerous EPA records in a recycle bin, [REDACTED] denied any specific intent

to destroy the particular records recovered. This information is submitted for your consideration and decision as to whether administrative action is warranted.

This matter was referred to the U.S. Attorney's Office, Northern District of Georgia. Prosecution was declined due to (b) (5) and in lieu of possible administrative remedies.

In considering administrative action regarding your attention is directed to the EPA Conduct and Discipline Manual, EPA Order 3120.1, which prescribes policies for administering disciplinary action within the Agency. The manual contains a list of offenses with suggested penalties, although the list of offenses is not intended to be all-inclusive. For offenses not listed, penalties may be imposed consistent with penalties contained in the manual for offenses of comparable gravity.

The information in the Conduct and Discipline Manual is provided to assist you in determining what action, if any, is warranted; however, it does not constitute a "charge" against It is the responsibility of the action official alone to evaluate the information contained in the report and to decide whether action under any part of the Conduct and Discipline Manual is appropriate.

In order that we may satisfy our reporting requirement to Congress and the Administrator, please advise this office within 30 days of the administrative action taken or proposed by you in this matter. This report is "For Official Use Only" and its disclosure to unauthorized individuals is prohibited. Portions of it may be used by appropriate officials for administrative action. Please return our report after your review of this matter is completed.

A copy of this transmittal and the report are also being sent to , EPA, Office of General Counsel, Washington, DC. It is highly recommended that you confer with General Counsel to ensure that any penalty imposed is appropriate and equitable. It is also recommended that you contact the Office of Human Resources for any necessary guidance about personnel regulations.

Should you have any questions regarding the investigative report, you are encouraged to contact me at .

Attachment:

EOA-OIG Report of Investigation w/ attachments