



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

MAY 27 2016

OFFICE OF
ENVIRONMENTAL INFORMATION

The Honorable Ron Johnson
Chairman
Committee on Homeland Security and
Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Thank you for your letter of February 19, 2016, to the U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the use of non-official email accounts for official business. The Administrator asked that I respond on her behalf.

You requested that we provide you with the agency's policies and procedures for preserving federal records. Enclosed are the agency's policies that address the preservation and management of the agency's records.

Agency employees are required to comply with applicable records retention schedules, as well as all applicable policies and procedures, including the EPA's February 2015 Records Management Policy, which states that "[o]fficial Agency business should first and foremost be done on official EPA information systems." The policy states that employees cannot create or send a federal record using a non-EPA electronic messaging account unless the individual creating or sending the record either 1) copies his/her EPA email account at the time of initial creation or transmission of the record or 2) forwards a complete copy of the record to his/her EPA email account within 20 days of the original creation or transmission of the record. The policy further states that if an individual creates or sends an agency record from a non-EPA electronic messaging system, he/she must copy his/her EPA email account at the time of transmission or forward that record to his/her EPA email account within 20 days of the creation or transmission of the record.

Employees must complete a mandatory "Annual Records Management Training Course," which addresses the use of non-official email accounts. The EPA's National Records Management Program (NRMP) provides other resources including a live Records Help Desk and an internal records management intranet site, which explains the NRMP's functions and provides links to trainings, policies, records, schedules and frequently asked questions. The EPA's NRMP and Records Liaison Officers also provide records management briefings to senior officials and political appointees, as well as other new employees. Enclosed are documents related to records management trainings.

The EPA does have a policy or guidelines about the use of a non-official email account to conduct official government business. The agency addresses this topic in the Records Management Policy

referenced above, which states that the "EPA strongly discourages the use of personal email or other personal electronic messaging systems, including text messaging on a personal mobile device, for sending or receiving agency records, but to the extent such use occurs, the individual creating or sending the record from a non-EPA electronic messaging system must copy their EPA email account at the time of transmission or forward that record to their EPA email account within 20 days of creation or sending." Please refer to the enclosures regarding records management.

In your letter, you asked if the agency allows employees to use non-official email accounts to conduct official business and how the agency ensures that those email communications are preserved in accordance with federal records preservation requirements. The EPA continues to provide training and guidance to ensure that every employee understands his or her records management responsibilities, including the requirements of the 2014 Federal Records Act amendments that address the use of non-official messaging systems to conduct official government business.

You also asked if the Administrator, as the head of the agency, has ever used any non-official email account to conduct official business. The Administrator very rarely used her personal email account for agency business purposes and, based on her recollection, did so when she was unable to access her EPA email account due to remote access issues, or where there was a need to print at another location, such as at home. In these limited instances, it is her general practice to ensure that messages are captured in the EPA's email system either because they were forwarded into the EPA's system or they were already in the EPA's system and forwarded solely for printing at home.

Finally, you inquired whether the Administrator is aware of the use of any non-official email account to conduct official business by any Senate-confirmed appointees or excepted service employees within the agency. The EPA is aware of the occasional use of non-official email accounts to conduct agency business. This can happen during times when remote access to the agency's server is not operating, such that employees are unable to access their EPA official accounts. As noted above, the agency has specifically addressed the use of non-official email accounts to conduct official government business in its February 2015 Records Management Policy. The EPA has also provided mandatory records management training that includes training employees on the EPA's Records Management Policy and the requirements of the Federal Records Act.

Thank you again for your letter. Please feel free to contact me if you have any additional questions regarding the EPA's records management policies and practices or your staff may contact Thea Williams in the EPA's Office of Congressional and Intergovernmental Relations at williams.thea@epa.gov or (202) 564-2064.

Sincerely,



Ann Dunkin
Chief Information Officer

Enclosures

cc: The Honorable Thomas R. Carper
Ranking Member