

United States Senate

WASHINGTON, DC 20510

June 7, 2018

The Honorable Arthur A. Elkins, Jr.
Inspector General
U.S. Environmental Protection Agency
1301 Constitution Ave., NW, Rm 3102
Washington, DC 20460

Dear Mr. Elkins:

We appreciate the work that you are doing to provide independent oversight at the Environmental Protection Agency (EPA). In addition to your already ongoing investigations into conduct by Administrator Scott E. Pruitt, we wish to draw your attention to recent revelations that the Administrator appears to have attempted to use his office to benefit himself and his family in business matters unrelated to federal government work.

Federal ethics laws¹ prohibit public officials from using their position of authority for private gain. News accounts based on emails released pursuant to the Freedom of Information Act (FOIA) report that the Administrator discussed at least two business opportunities for his wife, Mrs. Marlyn Pruitt, with CEOs, apparently while on duty as EPA Administrator. The emails released under FOIA also show that the Administrator directed federal staff to set up meetings with Chick-Fil-A executives shortly after he entered office in May 2017 in order to seek a highly sought-after and likely profitable franchise opportunity. And on June 6, 2018, the Administrator appeared on camera via Nexstar Media Group, which owns local television stations around the country, in his official capacity where he did not deny that he had sought the business opportunity for his wife. Instead, the Administrator used the opportunity to promote the private business on television—another possible federal ethics violation.²

Administrator Pruitt also reportedly called the CEO of Concordia, a non-profit organization, to help Mrs. Pruitt find temporary employment for \$2,000 as an event planner for Concordia that enabled her to work at the same conference where the Administrator appeared as a featured speaker. The Washington Post article³ documenting these business pursuits further cite EPA employees stating that the Administrator had told them that he was eager for his wife to start receiving a salary. His participation in this event may also have been barred by federal ethics laws⁴ that prohibit him from participating in a particular matter involving specific parties, such as this event, that is likely to have a direct and predictable effect on the financial interests of his spouse.

¹ 5 CFR 2635.702

² <https://oge.gov/web/oge.nsf/Resources/Endorsing+Organizations,+Products,+or+Persons>

³ https://www.washingtonpost.com/national/health-science/scott-pruitt-enlisted-an-epa-aide-to-help-his-wife-find-a-job-at-chick-fil-a/2018/06/05/b798e4e4-5eac-11e8-9ee3-49d6d4814c4c_story.html?utm_term=.d8ae15293dda

⁴ 18 USC 208 or 5 CFR 2635.502(a)

While reviews of public emails have turned up these two instances of Administrator Pruitt pursuing business opportunities for his family, we are concerned that there could be other, as yet unknown, business pursuits as well.

We recently requested that you look at whether the Administrator violated federal regulations by using federal employees to conduct personal work. We would like you to either supplement that investigation or open a new one to review whether the Administrator used his position—acting in his own capacity or through his official staff—to pursue private business opportunities to enrich himself or any members of his family regarding these two cases and any other financial opportunities for Administrator Pruitt’s family.

As part of this inquiry, we would like to know whether he or his senior staff ever involved the EPA Office of General Counsel, including its Ethics Office, the Office of Government Ethics, or any other relevant compliance body to get the proper guidance and take necessary steps to avoid abuse of power and conflicts of interest on these types of matters.

Sincerely,



Tom Udall
United States Senator



Thomas R. Carper
United States Senator



Sheldon Whitehouse
United States Senator