

April 27, 2012

Dr. Al Armendariz  
Regional Administrator, Region 6  
U.S. Environmental Protection Agency  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202  
Mail Code: 6RA

Dear Regional Administrator Armendariz:

Pursuant to Rules X and XI of the Rules of the U.S. House of Representatives, the Committee on Energy and Commerce seeks information relating to the Environmental Protection Agency's (EPA) enforcement philosophy, strategies, and procedures. In statements you made in 2010 which were highlighted by Senator Inhofe in an April 25, 2012, letter to Administrator Jackson, you described an enforcement philosophy that raises significant concerns about environmental enforcement both in your region and across the agency, including with respect to energy production.

While you have apologized for these comments, there is genuine concern that your comments reflect the agency's overall enforcement philosophy. The recently dismissed enforcement action against Range Resources is a concrete example of this concern. In light of this concern, we seek to examine how enforcement policies are being developed and implemented in your region.

Accordingly, we specifically request that you provide the following information and documents not later than May 14, 2012.

1. Please identify and describe your enforcement strategies and procedures for Region 6, including any changes to those strategies and procedures during your tenure.
2. Please describe the standards EPA uses to measure the success of its enforcement efforts, and how those standards have changed during your tenure.

3. Provide all documents relating to your enforcement priorities, strategies and procedures for Region 6, including but not limited to internal guidance, memoranda, emails and correspondence distributed by you to staff.
4. Provide all documents reflecting communications between Region 6 and EPA headquarters regarding enforcement strategies or procedures.
5. Provide all documents relating to coordination between EPA and other offices within the Executive Branch regarding EPA enforcement strategies or procedures.
6. Provide all documents reflecting communications between EPA and third parties regarding EPA enforcement strategies or procedures.
7. Describe how EPA Region 6 enforcement officials are evaluated in their job performance reviews, including what factors can affect bonuses and raises.

The relevant time period for this request is January 2009 through the present. We ask that you follow the instructions for responding to the Committee's document requests, included as an attachment to the letter.

Further, the Committee anticipates that it will request your presence at a hearing in the near future to examine enforcement priorities and practices of the agency. We note that you declined to attend the field hearing our Committee conducted in March 2011 in Texas. However, you stated at that time that you would be willing to make yourself available in the future to discuss your office's work. Committee staff will be in contact with you with regard to the scheduling of the hearing. As this will be our second request to have you appear before our Committee, and in light of the seriousness of the concerns that need to be addressed, the Committee is prepared to use all authorities at its disposal to ensure your attendance.

Thank you for your attention to this matter. Should you have any questions, please contact Mary Neumayr of the Majority Committee staff at (202) 225-2927.

Sincerely,

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Fred Upton  
Chairman

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Joe Barton  
Chairman Emeritus

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Ed Whitfield  
Chairman  
Subcommittee on Energy and Power

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cc: The Honorable Henry A. Waxman, Ranking Member

The Honorable John Dingell, Chairman Emeritus

The Honorable Bobby L. Rush, Ranking Member  
Subcommittee on Energy and Power

Attachment