



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

FEB 01 2013

OFFICE OF CONGRESSIONAL AND
INTERGOVERNMENTAL RELATIONS

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20510

Dear Mr. Chairman:

I am writing in response to your December 13, 2012, letter to U.S. Environmental Protection Agency Administrator Lisa P. Jackson.

I appreciate your recognition of the utility of a secondary, internal email account for the conduct of agency business. The practice of the EPA Administrators having a secondary email address is not new. For nearly two decades, EPA Administrators have managed the agency with two official email accounts: a primary account and a secondary account for more limited use. The email address for Administrator Jackson's primary account is posted on the EPA's website and is used by hundreds of thousands of Americans to send messages to the Administrator. This account is maintained and monitored by staff, and the emails are processed as official agency correspondence as appropriate.

The single secondary account is an everyday, working email account of the Administrator used to conduct agency business. This secondary email account is used, as you recognized, for practical purposes. Given the large volume of emails sent to the public account -- more than 1.5 million in fiscal year 2012, for instance -- the secondary email account is necessary for effective management and communication between the Administrator and colleagues. This secondary account is an official, government-issued account that carries an "epa.gov" extension and is subject to disclosure requirements under the Freedom of Information Act (FOIA). Simply put, both of these email addresses are subject to all relevant transparency laws and are searched in response to FOIA and Congressional oversight requests.

The EPA has implemented policies and procedures to comply with EPA's legal obligations under the Federal Records Act and FOIA. To comply with these laws, both the primary email account and the secondary email account are saved as records and are subject to FOIA requests and Congressional oversight. The secondary email address is redacted from released documents in order to avoid proliferation of use and the attendant loss of the utility of the secondary email account, and the established practice is to mark *Administrator* when redacting the secondary email address so the requestor knows the origin of the records. Thus, this longstanding and



bipartisan practice of segregating Administrator emails into public and secondary accounts does not hinder compliance with FOIA requests or Congressional oversight at the EPA.

In further response to specific questions contained in your letter, yes, the Administrator does have a secondary email account that uses the name Richard Windsor. That account does still exist and is used by the Administrator to conduct official business. As explained more generally above, the Administrator has been assigned two government email accounts -- the primary email account, which is used largely by the public to communicate with the agency, and the secondary account, which uses the name Richard Windsor. The email account assigned to Richard Windsor is the one that she uses to conduct official agency business, including with EPA employees with whom she communicates directly as well as with various other officials with whom she corresponds about agency matters.

The EPA has implemented a variety of policies and procedures to comply with EPA's legal obligations under the Federal Records Act and FOIA. Those policies and procedures are provided to all EPA employees, and are located on the EPA's website at www.epa.gov/records. This website conveniently makes available applicable laws, agency policies, and practical tools to assist all agency employees in their efforts to comply with important information laws. Furthermore, the website specifically notes that EPA employees cannot use outside e-mail systems to conduct official agency business and EPA guidance instructs employees to take appropriate steps to preserve any official record that may be generated on any non-EPA email account. See: <http://www.epa.gov/records/faqs/email.htm>. Finally, as mentioned before, both the Administrator's primary and secondary public email accounts are saved as records and information from these accounts is provided in response to applicable requests.

Again, thank you for your letter. If you have further questions regarding this matter, please contact me, or your staff may call Tom Dickerson in my office at (202) 564-3638.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arvin Ganesan'.

Arvin Ganesan
Associate Administrator

cc: The Honorable Henry A. Waxman
Ranking Member